[Beg, Mirza Mohammad Afzal]

GOVERNMENT OF JAMMU AND KASHMIR.

ON THE WAY

TO

GOLDEN HARVESTS.

AGRICULTURAL REFORMS

IN

KASHMIR.

By

MIRZA MOHAMMAD AFZAL [BEG.]
REVENUE MINISTER,
Jammu & Kashmir State.

Men of England wherefore plough
for the lords who lay you low?

Wherefore weave with toil and care
the rich robes your masters wear?

Rise like lions after slumber
in unconquerable number,

Shake your chains to earth like dew,
you are many, they are few!

—*Shelley*.

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Mirza Mohammad Afzal Beg,
Revenue Minister, Jammu and Kashmir Government.

Preface to the English Edition.

This is a translation of the booklet in Urdu entitled *Zarai Islahat*, which has already undergone two reprints. This English rendering is being published on the pressing demand of our friends, here and abroad.

Since the first edition of *Zarai Islahat* was published, the implementation of the provisions of the historic Abolition of Big Landed Estates Act has begun in right earnest. By the end of February, 1951, about 1,56,176 *kanals* (19,522 acres) of agricultural land have been transferred in ownership right to 15,872 tillers and 72,120 *kanals* (9,015 acres) of land have vested in the State.

The new law which is aimed at liquidating the intermediary interests in land is a big experiment in moulding the whole structure of village life on new foundations of social and economic relativity. The existing agricultural regime had not only given rise to feudal holdings and absentee landlordism, but had completely ignored the village communal rights which once balanced the draw backs of peasant farming. The consciousness roused in the actual tillers of the soil is a challenge to this regime. The awakening created by Sher-i-Kashmir has engendered an entirely new spirit among the masses. We have made the economic problem a vital issue and are determined not to seek any help from and not to be deterred by any political circumstances in the solution of the outstanding economic issues of our great country.

We have won our independence in October, 1947, but at the cost of a barbarous invasion and part of our homeland being still unlawfully and forcibly occupied by the invader. Our people have bravely faced the difficult and trying conditions which the

aggressor's invasion brought in its wake. Undaunted, they went ahead and preserved and augmented the traditional unity of thought and action in protecting the honour and integrity of their country. Our National Government, under the inspiring leadership of Sher-i-Kashmir, in spite of many difficulties, carried out a number of reforms. These are substantial achievements of which any Government can well be proud.

In the sphere of agriculture, we are aiming at self-sufficiency in food. A number of projects have been undertaken to increase food production. These include irrigation schemes, imports of fertilisers and aid to cultivators in different ways. We have already constructed 5 major canals and others are under construction. One big river valley project for electrification and irrigation involving more than a crore of rupees is about to be completed. An arterial system of intra-village roads is being laid and a number of multi-purpose co-operative societies have been organised in the countryside. Various debt laws have been enacted to scale down urban and rural debts. Legislation for labour welfare has been enforced. We have abrogated the vicious system of leasing out '*Mahal Singara*' on contract and we are doing the same about '*Mahal Zafran*'. In short, we want our people to be the masters of their own economic destiny.

The crisis, however, is not over. Sher-i-Kashmir and his Government are working against heavy odds and cannot succeed, unless there is whole-hearted co-operation on the part of all-capitalists, peasants, workers, labourers and the general public. Now that we have a Government of our own, there is no longer any excuse for withholding co-operation. We must not shut our eyes or close our ears from what is happening across the Seas. One thing is certain. If we subordinate our personal interests to the interests of our country, if we guard ourselves against the unfortunate trends in the direction of

separatism, if our energies do not get frittered away by petty squabbles and jealousies, if realising that far-reaching social and economic changes are taking place with bewildering rapidity we cheerfully adjust ourselves to the needs of the times, no power on earth can take away from us our birthright—the birthright of freedom in all the spheres of life.

JAMMU : M. A. BEG,

20th of March, 1951. REVENUE MINISTER

FOREWORD.

The collection under review are the speeches of the Hon'ble Mirza Mohammad Afzal Beg. These speeches, 15 in number, were delivered by him in explaining the Land Reforms Policy of the Jammu and Kashmir Government.

On the 13th of July, 1950, *Qaidazam* Sher-i-Kashmir, on behalf of his Government, announced the policy of giving land to the tiller. In implementing that policy the Hon'ble Revenue Minister had to explain the various aspects and implications of the new Reform Law, which was enacted to govern the founding of a rational agricultural system in the country. It is this, that he has done in these speeches. He has explained, what the Government have already done to bring about the social and economic amelioration of the people and has also discussed the basic principles and latest developments in the art of agriculture.

The story of poverty, degradation and economic helplessness of the peasants and the land workers of this country is as long as it is unpleasant. This section of the population, which makes the majority and constitutes 86 per cent. of the people has been for centuries the prey of exploitation and has continued to hunger for a piece of dry bread. These unfortunate people even after sweating from morning till evening cannot secure for themselves the most elementary needs essential to human existence. It is obvious, that a country in which such large section of the people is under shackles of economic and political bondage can never prosper. With such depths of depressing want pervading the atmosphere, it is clear that no civilised existence is possible without overhauling totally the order of society which has kept these millions mute for ages. Foreign rulers kept the bulk of the people suppressed for their own political ends. Society

heartlessly trampled over their interests and irresponsible feudal rule sapped all vitality. So far these people have even lost the basic appreciation of human rights. How this came about that the hands which produce gold out of sand, are spread out asking the alms of life for bare survival ! A section of the people around whose existence revolves the life of the whole nation has been reduced to finding, in the charity of others, the only way of its own living. In short, how to infuse new life in dead bones of the society in which we live, and how to work out freedom from the centuries old poverty and slavery, you will find a narrative of that struggle in these speeches which are now appearing in a book form.

For the founding of a new and just social order the Government of Sher-i-Kashmir have rightly taken the first step and determined to change the present system of land tenure in the State. Such rights and guarantees have been conferred on the peasants and land workers as had been denied them through centuries by the old system which was based on exploitation. These new rights have safeguarded the interests of the peasantry.

First, steps were taken by the stopping of unlawful and forcible evictions of the tenants and abolishing *Jagirs, Muafis and Mukarraries*. Thus special rights and feudal privileges were finished off, and the right to the land was admitted of such people who get produce from their lands through their own toil. In this way, the popular Government in a very short time created an atmosphere in which the peasant came to appreciate the true value of his own worth and could think in terms of organising his life on a new social pattern. The ancient tale of sorrow and suffering has at last come to an end, and they are free from the exploitation of the landlord and the iron grip of the middleman. What has been done by the Government during the last three years has been detailed in these pages.

On the 13th of July, 1950, at the historic ceremony

of Martyrs' Day, *Qaidazam* Sher-i-Kashmir announced the decision of the National Conference that he who tills the land will enjoy the produce. That day, the last link in the chain of land reforms was completed and the announcement of transferring land to the tiller came as a remarkable practical step in that direction. This was the decision which the National Conference had announced as the basis of its State policy in its visualised Constitution of the State in 'New Kashmir', many years ago, and which has now become operative in the shape of the new law known as "The Abolition of Big Landed Estates Act". By virtue of this Act, 55 lakhs *kanals* of land are being transferred at once to the tillers. This event will go down in the history of our State unforgotten for centuries. An exposition of the intricacies of the new law will be found in this book.

From all angles, it is a history making document. The land reforms are a mile-stone in the forward march of the Kashmir people. The book illuminates from all sides the system of society which the popular Government is out to inaugurate. It is a helpful guide to all those who have a progressive mind and possess an urge to found an order of society in which life may not remain only a bed of roses for the counted few, but every man and woman may be able to live a life of freedom and fullness. A society is coming into being in which the oppression of one by the other must cease and yield place to a co-operative effort of all for the best prosperity of the whole, in the spirit of bringing about an atmosphere of total welfare.

MOH'D SYEED MASAUDI,

Dated 20th October, 1950.
Mujahid Manzil, Srinagar.

GENERAL SECRETARY,
All Jammu & Kashmir National Conference.

TABLE OF CONTENTS.

Chapter. Page No.

Chapter. Page No.

Chapter. Page No.

INTRODUCTION.

In the world of men, every individual is governed by the laws of the society in which he lives. The social order affects every aspect of his life. His natural instincts and potentialities, his thoughts and actions, his way of life and social attitude, in fact his whole conduct gets subjected to the compulsion of that social order. Each individual finds his appointed level in the scale of society and every society takes its form from its economic structure. Every individual lives within the orbit of his society and acts in accordance with the economic laws which affect that society, and, therefore, it is under those laws that he finds opportunities for the exercise of his faculties. Mankind from the dawn of history has been divided into various classes as necessitated by the social laws which governed it during its various epochs of existence. Sometimes, the world passed through periods of social enlightenment and sometimes it was submerged under the dark ages. At one time one social order existed and at another time another order came into being. Human society passed through various phases of prosperity alternated with destitution. The civilisation of man has changed various garbs. Man in the 20th century woke up to the tunes of new hopes and better longings. Till now society was governed by men who held the reins of power in their own hands and they were the selected few. By dint of wealth and power they determined the living conditions of the general mass of the people. In the grip of this power the majority of the people had to cast the pattern of their lives. They had no say in reforming these laws or replacing the compulsions which subjected their lives. Blind to the concept of general good, a few individuals for their own interests made current laws which served their own ends. Sometimes they did it in the name of religion and at another time under the garb of culture and sometimes in the name of political realism.

With the passage of time, the angle of vision changed. It passed from the world of superstition and doubts and extended towards the realm of reality. This shifting of the angle towards historical materialism is the biggest gift of the modern age. This new appreciation has shaken the minds of the people all over the world. Today every force, every factor, every event is judged on the touchstone of reality. Today false notions which were parading under the garb of culture and religion, notions which had degraded man's social values to vulgar vagaries, have all been challenged, and are on the way to disappearing. Fatalism and determinism which in their most vicious and mischievious form have for centuries lulled like opium the minds of the millions of God's best creation are rapidly losing ground. Those dead of life are showing signs of new birth, those in slumber are quickening into the fullness of faith. The fallen are arising and the world has seen the coming about of a grand revolution. Such a revolution is spreading with the velocity of a mighty flood. Those barriers which divided man from man are crumbling to earth. Those chains which have bound man in the servitude of man are breaking. That social order in which the few 'haves' made merry and millions of destitute sighed with sorrow, is now crashing and in its place is being born an order in which man cannot continue to be a slave to man. The labour of one cannot be misappropriated by another. The blood of one cannot be wine to another. *The land of God shall belong to the men of God.* Tyranny and injustice will hold way no more. Exploitation and autocracy would be things of the past and privileges and prerogatives would have vanished. The new world is blossoming into youth again. Old foundations are falling brick by brick and the architects of the new world are busy building night and day.

Our leader Sher-i-Kashmir, and under his leadership, the Government of Kashmir, is busy laying the foundation of a new social order. Our people are a witness to it. Our belief is that without

bettering the lot of the peasant and the worker, the economy of our land cannot improve. It is through their toil that the vitals of national life accumulate. It is their work that creates elements of happiness. And so long as the peasant does not take agriculture as the passion of his being, there can be no prosperity. What the Government of Sher-i-Kashmir has done towards making the peasant prosperous through agrarian reforms is revealed in the pages of this book, which is a collection of Radio speeches which I delivered in August and September, 1950. It was wished by our comrades and peasant brethren that these speeches should appear in a book form. I thank Maulana Mohammad Sayeed Masaudi for his kindness in writing the Foreword.

M. A. BEG,

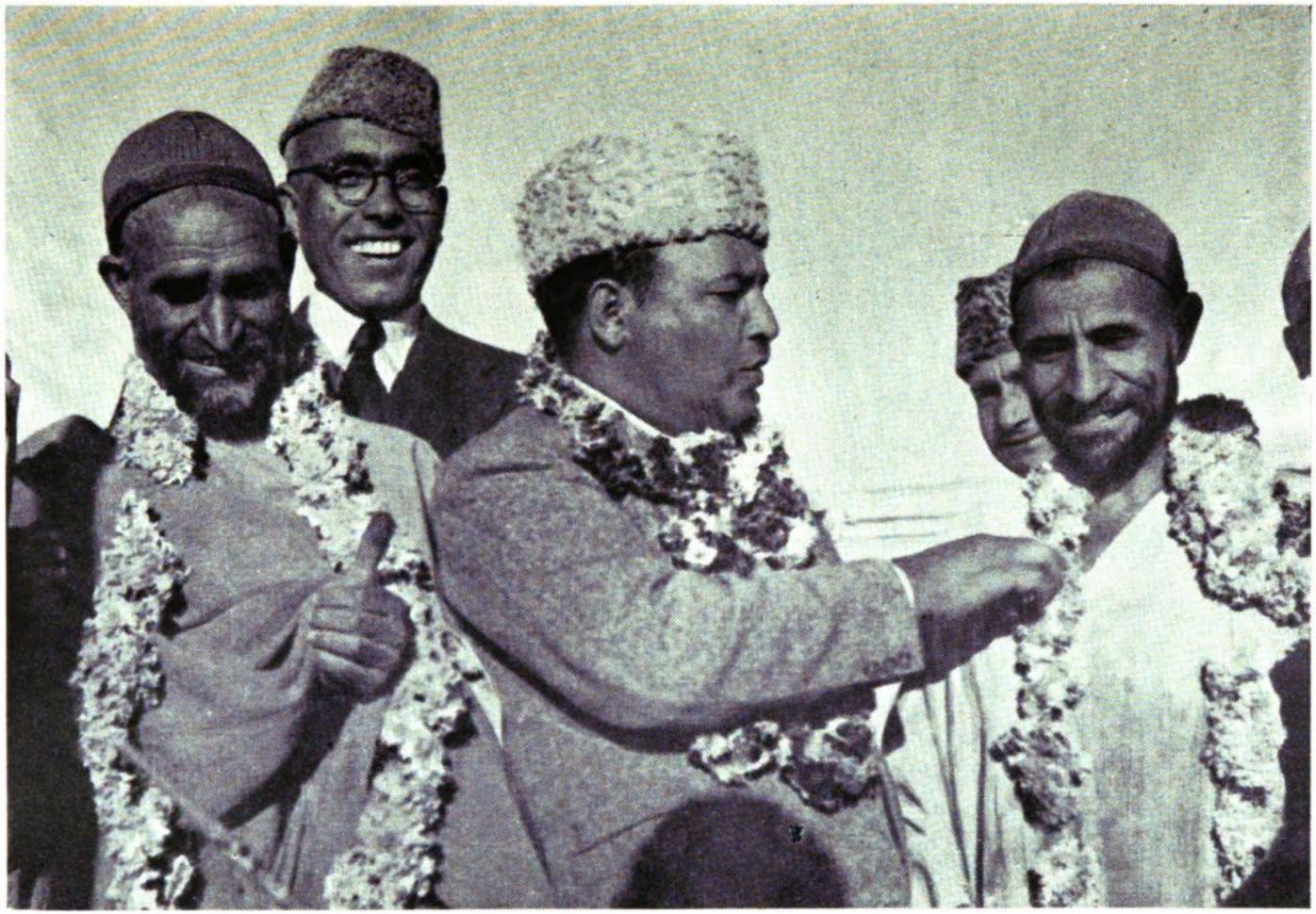
SRINAGAR :

REVENUE MINISTER,

21st October, 1950.

(*Chairman Land Reforms Committee*),

Jammu and Kashmir State.



At Rawapolre, Kashmir, Sher-i-Kashmir and the Revenue Minister garland two jubilant tillers, wearied by age, on becoming full owners of their holdings.

CHAPTER I.

Social and Economic Orders of the Present Age and Our Decision.

The place of man in social economy.

In order to judge the just or unjust character of any social or economic order, you have to examine the relationship of man as compared to the means of production. If man is subjected to the superiority of the means of production, then it is obvious that his will is limited and the opportunities of free progress denied to him. The foundations of that system stand as barriers to his freedom and only work as means of oppression and exploitation. Men who toil do not get adequate reward for labour; not only that, they even after night and day sweating do not get an adequate morsel of bread. Such a social order only breeds slavery, poverty and degradation.

On the other hand, an order of society in which man is not a slave to the means of production but has mastery over them, a social order in which man is not the object of exploitation, there the productive faculties of man become co-operatively active for the social good of all. Such a system is just and right. Every individual gets the fruits of his labour. One man does not exploit another. The right of the common people cannot be snatched by force or coercion.

These two systems exist in the world to-day. In fact, they are at war with each other. The first is known as capitalism and the second is called socialism.

The Character of Class Interests.

For production three things are necessary ;

Labour, Land and Capital. Money alone is not capital. The implements of the peasants and the machines in the factories also constitute capital. The means of production in agriculture and capital, if they are in possession of individuals, may be used as means of exploitation for personal profit and not for social utility. The eyes of the producer would be fixed on his own bank balance and not on the hungry stomachs of those who have sweated to produce that wealth. If the owners of Dewan Estate come to believe that the production of tobacco would be more profitable than that of rice, they would immediately take to tobacco cultivation. They will not think for a moment that such a step would worsen the food situation in the country. They would only think of their own fat profit and the hunger of the millions will mean nothing to them. It may throw hundreds of tenants out of work, it will be of little consequence to them.

In the same manner, if the factories are under the control of a few capitalists, they would produce goods only which yield highest profit. They will think little of social good. If they realise that production at a certain level yields less profit they will reduce the volume without any thought of unemployment, and of hunger which it will create for thousands of workers. Nor would the capitalist worry about the hardships which the scarcity of goods would bring about for the common people. His eyes would only be fixed on his own profit and from that angle his pursuit of personal profit would go on pitilessly.

The Capitalist System.

In a capitalist society, the means of production belong to a few individuals, who dominate the labour and lives of the majority who work. The entire economic system remains in the clutches of a few landlords and capitalists. For personal benefit, they exploit millions of the fruits of their labour. For this exploitation they make laws suitable to themselves. These laws are both legal and ethical so much so that

the entire social system revolves round their will. They can create an artificial famine of food and goods at will and thus endanger the economic and even political safety and stability of the country by bringing about a crisis. If reduction of produce means a little benefit to the capitalist, then without a moment's hitch thousands of workers would be thrown out of employment. The capitalist thinks only of self and not of the society. It is obvious, that under such a system man can neither be happy nor free. One nation will be dominated by another. One individual will be a slave to another. Famine, poverty, unemployment and destitution, such have been the 'blessings' of the capitalist's system. It has been eating into the vitals of man's mind and body like a white ant. This only came about because the means of production were owned not by the nation as a whole but by a few land owners and factory owners. It is their interests which dominated the interests of the entire society. Therefore, prosperity cannot be possible so long as the system of private ownership of the means of production is not abandoned for good.

The Socialist System.

In the socialist system, means of production are not owned by private individuals. Men are not slaves to the means of production. The economic order is not dominated by a few owners. Reckless personal profit is not the aim of production. The production of goods is for social utility and, therefore, it is under this system that man can thrive and prosper. He is freed from the anxiety of the cycle of unemployment. His life is sheltered from economic crisis. In short he becomes a master of his own fate. He gets opportunities for self development. He then belongs to the society and the society belongs to him.

Our Decision.

The two systems which have been discussed above

are different and they conflict with each other. Today in every branch of human activity, be it social or economic, cultural or political, these two systems are at war with each other. This conflict is basic and around the result of the struggle of these two revolves the fate of all the world. Both the systems are not only trying to live by themselves, but are contesting for the mastery of the whole world.

In so far as the State of Jammu and Kashmir is concerned, we have decided to own that system which gives no quarter to production for private profit, where no private manipulation can bring about economic crisis, endangering the life of millions. This decision of ours is only an implementation of the promises which the standard bearer of freedom forces had held out to the people from time to time. Building a socialist order is our objective. Towards the achievement of that social and economic order we are striving through developing our resources and harnessing our all constructive energies.

Exploitation and its Consequences.

It can be asked why in the State of Jammu and Kashmir for the building of the new order we started with the abolition of the ownership of lands held by the big landlords. The answer is clear. Our country is an agricultural land, where the majority of population depends on land for its living. Therefore, progress in agriculture is necessary to brighten our future. So far, our homeland has been the playfield of autocratic rule. That is why the present social order had come here establishing injustice and inequality. Man is enslaved by man. For centuries we have stood still in agricultural backwardness and the peasants have been poor beyond description. Is there anything for which our peasants are not helpless! They have become paupers. A few land-holding men have exploited by force the labour of lakhs. Feudalism with its many faces has prospered. Thousands of acres of land are possessed just by a

few owners, who were known as Jagirdars and Chakdars. For the working majority who wrested wealth from the soil, these owners had all the symbols and powers of a ruler. The labourer tilled and sowed and reaped gold-yielding harvests only to pile them for the benefit of the luxury-loving landlords. This economic order had axed the very roots of the tree of prosperity. Millions had been reduced to nothing more than fodder for the grinding mills of exploitation.

Why the Land Must Belong to the Tiller.

We have finally decided to wipe out feudalism, *jagirdari* and *chakdari* totally because so long as the 'Do nothing' land-holders and grant-holders survive the toiling sons of the soil, the peasants cannot begin their march forward to prosperity. To ensure free progress to the lacs of land workers it is necessary to abolish absentee landlordism. A land, peopled with such a majority of semi-starved people, cannot come out of the depths of degradation and want, till it is freed of the fetters of slave labour. To recondition the agricultural system is our first and most urgent duty. So long as the land does not pass into the possession of the self-tilling peasants nothing can better their lives and give light to their so far dark and dismal existence. The peasant must feel that the land on which he toils belongs to him, and that he is not just sweating for somebody else. Of course, then alone agriculture will begin to yield the maximum harvest. Individual effort is usually wasteful and uneconomical. Society through co-operative effort can bring about a more fruitful system of production. The order which we have chosen for ourselves stands on justice and equity. It can truly be called a just system. Under this system people grow in happy harmony and willing co-operation. "Each for all and all for each" becomes the guiding principle. Then the march towards progress becomes not only easy but irresistable. The capitalist system is the

biggest barrier to human progress. We are determined to let it stand in our way no longer.

Methods of Ending Exploitation.

For us the solution of the land problem is basic. Therefore, the changing of land relations through the abolition of *Jagirdari* and *Chakdari* and absentee landlordism in all its forms must precede freeing the peasants from want and helplessness. Our land system has been a picture of the worst type of serfdom. By three methods we shall annihilate it, firstly, by ending all feudal privileges like Jagirs, Muafis and Mukarraries, secondly, by transferring land to the peasants, and, thirdly, through co-operative effort.

CHAPTER II.

THE PERIOD OF PRIVILEGES THROUGH *Jagirdari.*

Measures by Ministry of Revenue.

In abolition of Jagirs, Muafis and Mukarraries, the Ministry of Revenue had taken the following steps :—

In April, 1948, (1st Baisakh, 2005) we announced the ending of all Jagirs, some of these were in cash, others were in kind. Some were tenable during 'the pleasure of the ruler', some were in perpetuity. Some were dependent on service to the State. All these were resumed. It was provided, that the Government will grant maintenance allowance to those small Jagirdars who had no other ostensible source of living. Thus ended that feudal order in Kashmir which had reduced thousands of peasants to tongueless "hewers of wood and drawers of water." All over the Jagirs, the Jagirdar was virtually the ruler who lived like a despot. He lived like a lord who was above reproach and beyond responsibility. On the other hand, thousands lived like the orphans of fate.

How the Jagirdar Dominated and how He Benefited.

Every Jagirdar had certain villages either wholly or partly assigned to him as a Jagir. The revenue of the Jagir lands he used to get direct. The tenants instead of crediting the land revenue to the State treasury used to pay it to the grantee or his representative and thus instead of the treasury benefiting, the Jagirdar lined his pocket. Sometimes receipts for this sum were issued, sometimes not. Thus with a little dishonesty the assignee could appropriate the property of the poor trusting tenants. There was

another class of grantees, those who used to have a right only to money. They used to receive cash from the treasury. There was yet another form, in which the grant was partly in money and partly in kind. These were called *Jinsi* Jagirs.

It would be startling to know, that the rate at which the *kisan* had to reckon the price of kind was the same rate which prevailed thirty years ago according to the old Settlement papers. This rate was called the "Commutation price", which was initially fixed for a period of 20 years at fourteen and half annas per maund and was later on raised to one rupee and eleven annas a maund. By this arithmetic, if the Jagir assignment was for rupees two hundred and ninety, the landlord could convert it into one hundred and sixty *khirwars* (about three hundred and thirty-two maunds) of grain. Twelve years ago, in Kashmir, paddy was never cheaper than five to seven rupees a *khirwar* (about 2 maunds). According to this the Jagirdar could never deserve more than eighty maunds in lieu of his two hundred and ninety rupees. But the iron grip of the Jagirdars was holding the neck of the poor peasants. None dared challenge this tyranny. The condition of the peasants worsened year after year and their lands passed into the hands of land-grabbing capitalists. Thus, rendered homeless and landless, the dispossessed peasant was forced to trek hundreds of miles down to the plains in search of food.

Kinds of Jagir-assignments.

22 years ago, the Maharaja of Jammu and Kashmir appointed a Committee for Jagir and Muafis. The purpose was to strengthen the base of feudalism by enhancing the powers of the Jagirdars and Muafidars in the State. The Committee made a number of recommendations and all were accepted. The Jagirs and Muafis were classified. Persons enjoying Jagirs of Rs. 3,000 or above per annum were called Jagirdars and those enjoying below Rs. 3,000 per annum were

called Pattadars. The Jagirdar or Pattadar, even where he was merely an assignee of land revenue and had no proprietary rights, used to recover tent in kind, not under any provisions of the Tenancy Law, but as a result of some special privilege that was granted to him by the instrument of grant that had been made in his favour. Notwithstanding the fact, that it was admitted that the realization of revenue assignment in kind was against all principles of equity and fiscal law, the arrangement was continued for the term of the Settlement. In cases, however, where the term of Settlement had expired and revisions of assessment had not taken place, payment in kind was substituted by payment in cash. It was, however, ordered, that in cases where conversion of kind into cash payment was enforced, the Jagirdar would be compensated for the loss sustained by him by an additional grant of Jagir land of the value equivalent in revenue to the assigned revenue of his existing Jagir. These extra Jagirs were to be given in Jammu to Jagirholders from Kashmir and in Kashmir to those from Jammu . In addition to these privileges, the Jagirdars were also given the right to recover all arrears of Jagir money from the peasants as arrears of land revenue . Thus the Jagirdars exacted as mush amount as they wanted. It is worthy of note, that in the realization of arrears of Government dues, this paritculars form of recovey of arrears is considered to be the most rigorous. The Government of the time only wanted to strengthen its own base by giving a free hand to the Jagirdars for this extortion from the peasants. They had no sympathy for the peasants. The peasants would surrender all means of their living to them and yet the greedy Jagirdar would arrive at the door knocking with warrants of attachment.

The Privileges of the Jagirdar and the Muafidar.

I cannot go into the details of this sad and long story. These will remain blots too ugly to forget on the pages of our old history. This feudal system degraded our country into the mire of poverty and

lowness. Here is a sample of how a Jagirdar was virtually the monarch of his own Jagir with all the privileges which he enjoyed :

1. Inside the Jagir lands he could exact grazing fees on cattle in the same manner in which he recovered the assigned land revenue, and this right was conferred in all cases irrespective of the fact whether or not it was expressly contained in the Instrument of Grant.

2. He enjoyed the same rights in respect of the forests within the Jagir as the State did.

3. Inside the Jagir, the right of a landholder dying heirless instead of escheating to the State, devolved on the Jagirdar.

4. He needed no shooting licence within the Estate.

5. He needed no State Subject Certificate, like other people.

6. If the State acquired any part of the Estate, it was he who received compensation.

7. Village headmen were the men of his own choice.

8. State land given on ground rent entitled the Jagirdar to receive that rent.

9. Income from water-mills accrued to him.

10. He recovered the extra grazing fees in respect of the cattle of his Jagir that grazed in pastures outside his estate.

11. He possessed prior rights to reclaim lands for cultivation.

12. He was exempted from personal appearance in civil courts.

In 1931, nearly twenty years ago, with the modification of some previous concessions, a further instalment of privileges was granted to the Jagirdar. In cases of grant of additional Jagir in another village to a non-proprietary Jagirdar by way of compensation on the conversion of the realization of assigned land revenue from kind to cash, such a Jagirdar was allowed grazing and forest rights in the other village granted by way of additional Jagir. The non-proprietary Jagirdars of Ladakh and Gilgit districts were given additional Jagirs in the Province of Jammu or in the Kashmir Province. And all those privileges which had so far been conferred only upon the land-owning Jagirdars were also conferred on the non-land-holding Jagirdars. After the satisfaction of the conditions of the "Coronation (*Raj Tilak*) Boons", all remaining State waste lands in Jagirs were transferred to the Jagirdars in *assami* rights. In case of *non-Bhiachara* villages, Jagirdars were, for purposes of bidding at auctions, to be reckoned as land holders.

Application of the Law of Primogeniture to Jagirs and Muafis.

The preceding Government was always out to strengthen the old feudal system. If the ordinary Law of Inheritance had been allowed to operate then, in a short period due to the process of fragmentation the Jagirs and Muafis would have lost all their vitality, To keep alive the old feudalism, the Law of Primogeniture was, therefore, made applicable to all the assignments. According to this Law the Jagir or Muafi on the death of an assignee, descended upon his eldest son and in the event of there being no such son, upon the senior member of the senior branch of the family of the original grantee. Among the branches of a family descended from one ancestor, that descended from any elder son of that ancestor was to be treated to be senior to that descended from a younger son of that

ancestor. In this way the impartibility of these grants was guaranteed. The Jagirdars were also permitted to relinquish their shares in favour of the representative of their parent branch and on their doing so they were given land assessed at double the amounts of the co-sharers they relinquished. If a Jagirdar relinquished a Jagir worth Rs. 200, he received in return land of which the land revenue was Rs. 400. Thus the Jagirdars in the Jammu Province got lands in the Kashmir Province and the Jagirdars in the Kashmir Province got lands in the Jammu Province.

Ownership Right of Jagirdars on Khalsa Lands.

In 1991 (1935 A. D.) by virtue of the royal proclamation full proprietary rights were conferred on Jagirdars over State lands which had been left after Shamilat (the village common) had been allotted. Previous to that they held only *assami* rights. By this order they became the owners of these lands which were also transferred to their name.

Compensatory Jagirs.

The valuation of the Compensatory Jagirs was made in the following manner :—

In case there were no owners of the area assigned in Jagir the land revenue of the assigned area was fixed at 1/3rd of the land revenue relinquished in the Province of Jammu. For example, if the land revenue relinquished in Jammu was Rs. 300 the area to be assigned in full proprietary rights in the Kashmir Province was to be the area the land revenue of which was Rs. 100. In case there were owners of the area that was assigned, then the Compensatory Jagir was to be in cash of double the value of land revenue relinquished plus an assignment of a residential unit to a maximum of 100 *kanals* (12½ acres).

It is obvious, how back-breaking were these privileges of the Jagirdars to the toiling peasants.

Such was the all sweeping system of exploitation which held the mute tillers in its irony grip. The world was progressing but the peasants were swiftly receding back, stuck in the mire of helplessness and despair. Their sigh they suffered, in silent torture. The world was changing yet millions were toiling as serfs only strengthening the grip of the hands that were throttling their very existence.

Sher-i-Kashmir, Revenue Minister, and the Land Reforms Officer share the joy of the tillers while introducing an old Kisan-proprietor to the audience at Bhadrode.

CHAPTER III.

THE END OF FEUDAL PRIVILEGES.

The Abolition of Jagirdars, Muafis and Mukkararies. Muafidars and Mukkararee-Holders.

Before the present Government came to power the special rights and privileges which the Jagirdars had have already been detailed. We abolished all such privileges and finished Jagirs and Jagirdars. This was the first step in consonance with the spirit of our determination to bring about a new order of society. The other two types of the Jagirdars were the Muafidars and Mukkararee-Khwars. These exploiting elements were also leaching the vitality of the peasant. The Muafidars more or less enjoyed the same privileges as the Jagirdars did. They were quite a lot in number and they had big chunks of land allotted to them. They used to derive all benefits from the produce of their assigned lands and yet paid no land revenue. Not only they did not pay revenue on these free-holds but they possessed lands in ownership also, for which they paid no land revenue. Thus the money to which the State was entitled only filled the pockets of these privilege-holders. There was no just reason for such preferential treatment which enabled them to live the life of luxury. They paid no pie to the coffers of the State while the toiling tiller had to part with the last grain of his share of the produce to fill the Government treasury. There was yet another section of privilege-holders which thrived under the old regime and exploited the labour of the cultivator. It was that of "Mukkararee-Khwars"—hail and hearty people drawing money from the State Treasury in six-monthly instalments, doing little service to the State and caring still less for the lot of the common man. This was a group of "Do Nothings"—a dead weight on the resources of the State, generation after generation.

The End of Muafis and Mukkarrarees.

The Kashmir Government on 1st Baisakh, 2005, *i. e.* in April, 1948, declared the end of these privileges to Muafidars and Mukkarraree-Khwars.

Muafis were of two kinds, religious and non-religious. In religious Muafis $\frac{1}{3}$ of the amount of the land revenue assigned was received by the Muafidar in cash and $\frac{2}{3}$ was received in kind at the rate of Rs. 2/4/- per *khirwar* (one *khirwar*=2 maunds and 5 seers). In case of non-religious Mufias, the whole of the assigned land revenue was received either in cash or in kind or partly in kind and partly in cash. The recovery in kind (of grain) was made at the fixed commutation price of Rs. 1/13/- per *khirwar*. The Government totally abolished the non-religious Muafis and also terminated the right to receive the assigned land revenue in kind in respect of religious Muafis. To receive grain in the name of religion and that also at exploiting rates was absolute perversion of the spirit of religion, hence highly unjust. Under the present procurement system the Government pays to the peasant an advance price of Rs. 9 for a *khirwar* of paddy, which the Muafidar used to recover from the peasant at only Rs. 2/4/-. The extent of oppression is obvious without comment. The Mufidar used to extort his share of the produce at these nominal rates and the peasant at the point of subjecting his children to want and hunger, had to succumb to it. The tragedy was, that all this exploitation was happening in the name of religion. On paper these Muafis were conferred on temples, mosques and religious institutions but the benefit went to those who managed them. To exploit the peasant and to loot the poor in the name of religion no civilised country and no people with conscience ever tolerated. The present popular Government stepped in with full force to put an end to these mal-practices and declared, that religious Muafi-holders shall receive their assignments only in cash and no longer in kind.

In case of religious Muafis where the Muafidar received part of the assigned land revenue in kind he enjoyed the privilege of recovering any arrears in kind either in kind or in cash calculated at the fantastic commutation price fixed decades ago. The State National Government declared the practice as totally indefensible and ordered that it be forthwith discontinued.

Khudkasht and Residential Units for the Jagirdars.

The Jagirdars had yet another provilege. They were granted in ownership right agricultural lands up to an extent of 75 acres as *khudkasht* (self-cultivation) and residential units, and where a Jagirdar held an assignment in both the provinces of the State he got these units at both the places. These grants were in addition to their normal Jagirs.

How the End of These Jagirs Benefited the Government and The People.

The resumption of *khudkasht* and residential units alone has released about 4,250 acres of land for transfer to the tillers of the soil. The number of Jagirdars and Muafidars in the State was 396 and between themselves they used to pocket Rs. 5,56,313 of the land revenue annually. Thus a sum of over half a million rupees went to these 'Do Nothings' instead of going to the Government treasury. The abolition of the Jagirs and Muafis has not only saved this amount to the State but has also relieved the peasants of the crushing burden of payments in kind which in terms of land revenue amounted to Rs. 3¼ lacs.

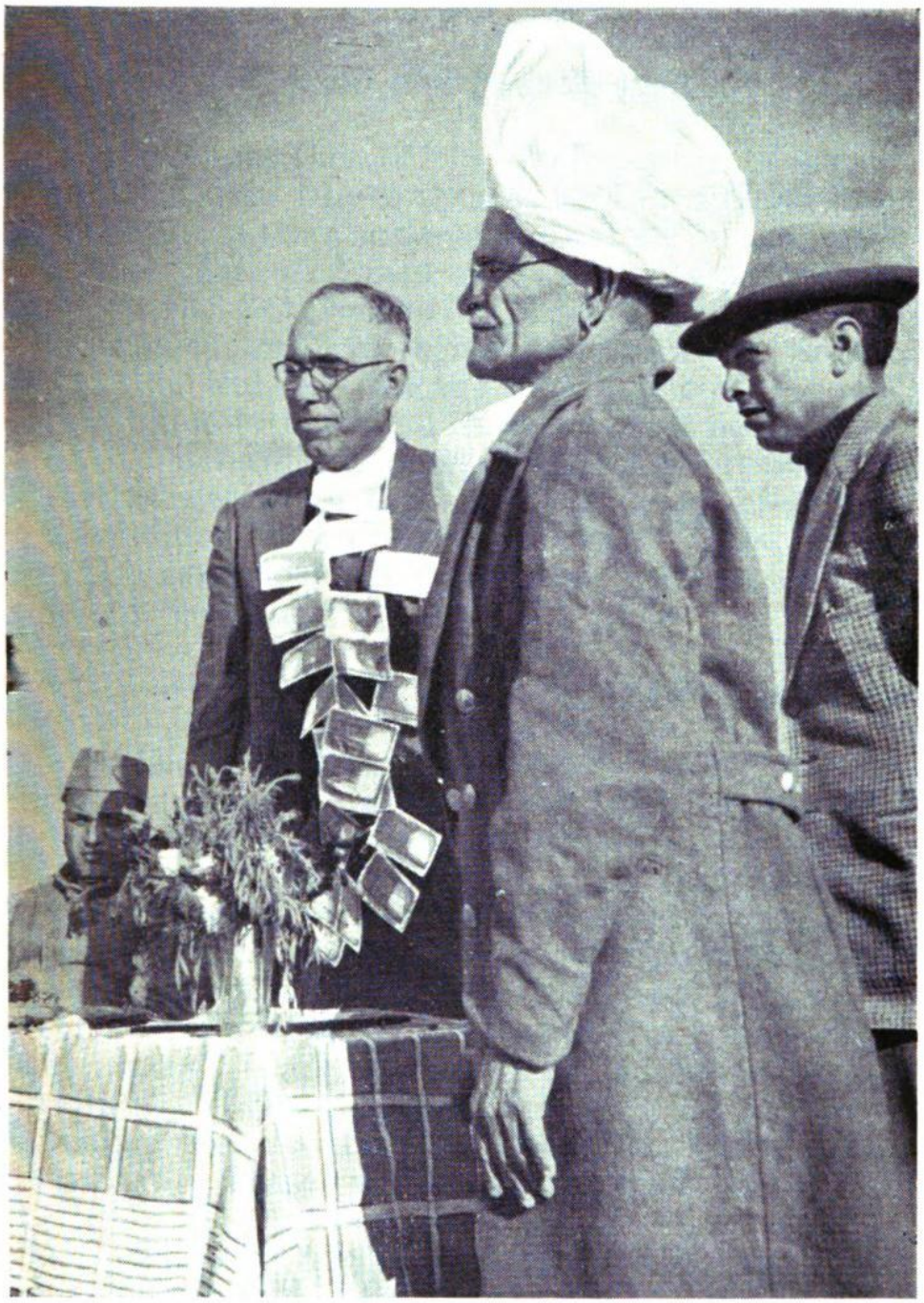
The Mukkarraree-holders (recipients of cash grants) numbered 2,347 and they used to draw a sum of Rs. 1,77,921 out of the State exchequer. Leaving the religious grants alone, we have by discontinuing these unwarranted grants made a saving of Rs. 1,44,518 per annum.

Abolition of Privileges to Chakdars.

The old Government had conferred yet another big privilege to the land-owning classes by way of giving them huge tracts of land over which they enjoyed a permanent reduction of 12½% in the land revenue. The logic of it was, that the "Poor" landlord had been "subjected" to own more land and thus subjected to the hardship of becoming more rich. Therefore, for his "generousness" he had to pay instead of the full revenue *i. e.* Rs. 400 a sum of only Rs. 350 . These comic privileges were also abolished, thus bringing us another Rs. 10,000 for the benefit of our people.

The Background of These Steps.

Such were the steps taken by the Government immediately on getting power, towards the total over-haul of the agricultural system. Oppression in various forms had ground lacs of peasants to a pitiable plight and denied all civilised standard of existence to them. They had passed through the mill of oppression. Year in and year out they were faced with cold and hunger without protection against the elements of nature and the ruthless tyranny of man. The iron chains of want were the only ornaments which they possessed and ignorance without the redeeming light of education was their only fate. Their lives were unending tales of woe. To end these fetters the present Government initiated these Agricultural reforms. Without total overhaul of the existing land system there was no other way to go forward. Our Government is determined to put an end to all exploitation which the rule of force and fraud had perpetuated. The steps which we further took in this behalf are narrated in the following pages.



President, National Conference Committee, Bhadrode, offers tillers' gratitude to Sher-i-Kashmir.

CHAPTER IV.

Chenani and Poonch Jagirs.

In exposition of the Jagirdars as props of the feudal system I have thrown light on the background which the autocratic Government held out in challenge. I have also mentioned a few of those practical steps which the Government of Sher-i-Kashmir have taken in order to improve progressively the lot of the peasant. That he will now get the full benefit of his toil and that exploitation in all its forms shall no longer exist, is our determined decision. Before proceeding into further details of the steps which we intend taking, a brief description of the ugly phase of the two Jagirs which carry historic importance with them will be found revealing.

Jurisdictional and Non-Jurisdictional Jagirs.

There were two kinds of Jagirs, one where the Government vested in the hands of the Jagirdar who enjoyed the same rights and privileges as were exercised by any ruler. In some cases the Jagirdar used to wield powers which even the established ruler seldom dare exercise. We have well credited evidence of instances of events which unmask tyranny of the hair-raising type. The Jagirdar not only exploited heartlessly the peasant of his produce and subjected him to toil but also took all illegitimate liberties which shame the conscience of civilisation if they were to be related. These were Jurisdictional Jagirs.

The other type was non-jurisdictional Jagirs in which the Jagirdars did not enjoy any ruling rights.

There were two jurisdictional Jagirs, Poonch and Chenani, in our State, of which I shall present a picture here and relate, how the present Government have redeemed the poor peasant from their iron hold

and are busy restoring him to a life of prosperity and promise.

Jagir of Chenani—Its People and Its Ruler.

In Jammu Province near Udhampur is situated the tract known as Jagir Chenani. 95 square miles in area with a population of 12,000, in 1948, it enjoyed an annual income of nearly Rs. 40,000. The Jagirdar reserved 15 per cent. of the income as his allowance, but actually he used to get not less than 33 per cent. In addition to the allowance he used to get an income of Rs. 36,000 yearly from his lands, orchards, shop rents, etc. He further used to indulge in special farming and trade. By virtue of the power which he enjoyed, he had full right to autocratic irresponsibility which he exercised without qualms of conscience in spoiling the moral and social life of his people. The honour of no one was safe in his rule. A word of protest would have evoked severe punishment, because he himself was the ruler, the Magistrate, the Police Officer and the Controller of Supplies. He was the Leviathon unto the man and his word and wish was the law to them all.

With the rise of the National Conference as champion of the people's right and a challenge to autocracy and feudalism, the people in the Jagir also began to show signs of unrest. Stunned into silence through suffering, these people also began slowly to wake up to the tunes of new times and began to express their grievances. But it mattered little even for the State Government in the early stages to pay heed to what the *ryots* said, but later on as the voice of the people gathered strength through the agency of the press and the platform the old Government felt its force and the Revenue Commissioner was instructed to examine the correct position and report. This happened five years ago.

Report of the Revenue Commissioner.

The report, which the Revenue Commissioner

presented, admitted, that the Jagirdar had unjustly appropriated the lands of the people, encroached upon the village common and grazing pastures, extended his hunting preserves, transferred Jagir lands to his wife and son and acquired cultivators' lands for himself by coercion and at nominal price.

Such was the report of the Revenue Commissioner when the autocratic rule still held sway in the State and fully supported the Jagirdari system. Naturally the Revenue Commissioner did not mention all the privileges which the Raja, as a Jagirdar, had appropriated to himself involving severe hardships to the subjects of the Jagir. Even then the report is appalling enough to show the multifarious disabilities under which the people suffered all these years.

Government Indifference.

The Government took no action on this report. This led to further discontent. At that time the National Conference was sailing full mast ahead. Their challenge to autocracy and feudalism was more determined and this was heartening the people of Chenani, who began to organize themselves for a more vigorous protest. But the Jagirdar was also not moulded of soft metal. He had long experience of stifling voice of the people. He resorted to fines, attachment of property, searches, and dishonouring of gentle citizens. He and his henchmen launched a regime of terror so much so that the people began to desert their home and hearth in order to save their lives and honour.

How the Government of Sher-i-Kashmir Came to Their Rescue.

This was the plight of the Chenani people when the Government of Sher-i-Kashmir came to power. Immediately the ruling powers of the Jagirdar of Chenani were taken away and the Jagir was integrated into territorial units of Doda and Udhampur

Districts. The State took over the administrative control and assumed the reins of normal governmental direction. The Jagirdar was given Rs. 200 for himself and Rs. 100 for his family, *i. e.* Rs. 300 as monthly allowance, which was considered quite adequate for his maintenance. Thus with one stroke the chains of the people of Chenani fell, and with the break of these fetters those unfortunate people who had become homeless in their own homeland saw the sweet dawn of freedom. The terrors of the feudal lord ended and now the claims of all those who had been robbed unjustly of their lands and possessions are under scrutiny for suitable and swift redress being made available to them.

Jagir of Poonch.

Jagir of Poonch constitutes 4 Tehsils with 1627 square miles in area. It has a population of nearly 2¼ lacs *i. e.* little less than ¼ million people. In S. 2004, (A. D. 1948) *i. e.* 3 years ago the income was estimated at 10 lacs annually. The Jagirdar was called "Raja Sahib" and held all ruling rights throughout.

The Treaty of Amritsar and Kashmir State.

The right to ownership of land of the cultivating classes in Poonch had not been recognized during the last Settlement. They continued to be only *Assamis* and the land records recorded them as such. In fact that was the status which had *till* recently been allowed to the cultivators practically all over the State—a status for which justification was sought in the infamous treaty under which in 1846 the British had sold out the State of Jammu and Kashmir to Maharaja Gulab Singh. This treaty, which is known to history as the sale-deed of Amritsar and which Mahatma Gandhi indignantly termed as "*Bikri Parcha*" was construed to imply that Maharaja Gulab Singh had purchased against cash payment all lands, rivers, forests, mines, natural products and

in fact every thing in the State and that he and his descendents had acquired all the rights of ownership therein. Till 1931 this strange belief in respect of the ownership of the State persisted. It was this queer belief which was so splendidly reflected by the Great Poet Iqbal in his immortal verse—

"O breeze, if you happen to go Geneva way, carry a word from me to the Nations of the whole world.

A land and people, its streams and forests all were sold.

In fact the whole nation was sold and fancy at how cheap a price."

The Struggle of the Poonch Peasant for Ownership of Land.

Even though the Raja of Poonch was an Illaqadar or an independent Jagirdar his powers in comparison to the other Chakdars and assignees remained rather restricted. He asserted a loose sort of dominion over the lands. He could not interfere with the management of lands held in Jagir by him. His rights were governed by the stipulations embodied in the *Sanads*. An assignee, even where he realises his assignment in kind, cannot be recognised as an owner of land. In these conditions there was nothing which could prevent the cultivator-*assamis* of Poonch being declared as proprietors and being given the right of ownership for the lands in their possession.

Since 1963 *Bikrami* (1905 A. D.) *i. e.*, nearly 45 years from now the Poonch peasants have been agitating to get their ownership rights admitted but their voice continued to be a voice in the wilderness. The exploiting powers continued opposing their demands. The *kisans* of Bagh and Sudhnoti Tehsils and particularly the *Sudhan* tribe were chiefly dissatisfied. They raised their voice again and again

and the people from outside supported them also. Many went into exile, many underwent hardships but it all stood futile. In 1906 perhaps the then British Resident, Mr. Colvin, at the instance of the British Government refused to make even legitimate concessions. The right to ownership of land was denied and the assessment of land revenue was sanctioned and enforced. Due to some unknown causes, however, the cultivators of Thakiala-Parawa in Tehsil Mendhar were, during the same period, granted ownership rights in lands held by them. This discriminatory treatment stirred bitter feelings of discontent and dissatisfaction amongst the *kisans* of other parts of the Jagir.

The Government of Sher-i-Kashmir Conferred Ownership Rights in Respect of Lands.

One of the demands, that had been sponsored and pressed by the leaders of the freedom forces during the initial stage of the National movement led by Sheikh Mohammad Abdullah, was, that in the whole State the ownership right on land shall belong to the people. Under pressure of the popular movement the autocracy had, at long last, to go arms down and the old demand of the masses was fulfilled. The right was conceded, but while this happened in the rest of the State the Imperialist Government in order to strengthen itself through dividing the people did not extend it to Poonch. The result was, that the right of the people to the ownership of land became operative in all parts of the State excepting Poonch. This naturally led to wave of dismay among the Poonchis. This differential treatment they could not understand and unrest prevailed among them. They continued to agitate but without results. Fortunately it was destined, that the credit of granting ownership in lands to the peasants should go to the people's Government and so it happened. The just demand of the people of Poonch was conceded when

Sher-i-Kashmir became the head of the Government and thus redressed the long standing injustice.

On 13th July, 1950, the historic announcement of Sheri-i-Kashmir while mentioning other reforms also conceded the right to the people of Poonch to the ownership of their lands.

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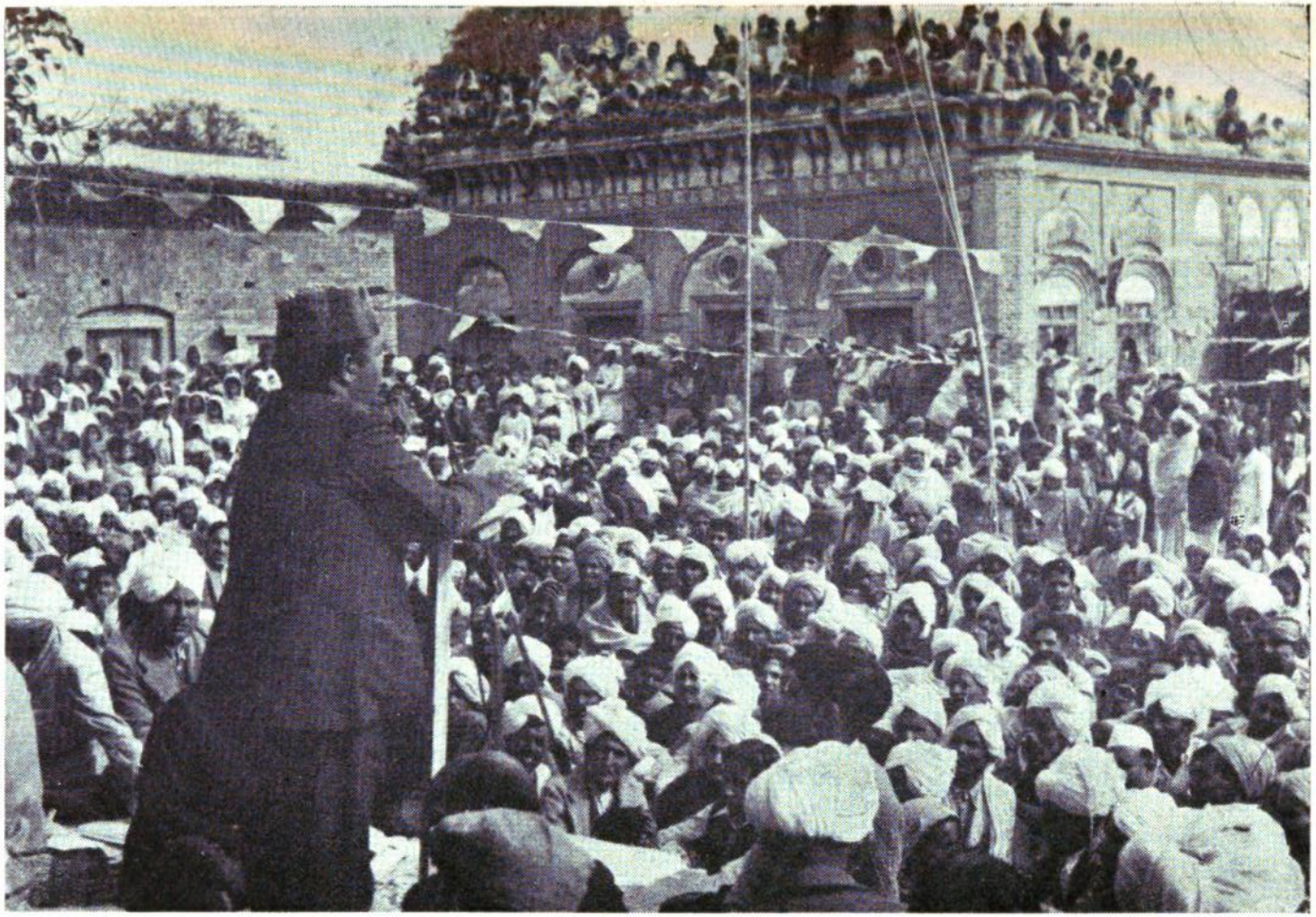


Mirza Mohammad Afzal Beg, Revenue Minister, explains the salient features of the 'Big Landed Estates Abolition Act' to Kisans at Parol - a village in the Kathua District.

CHAPTER V.

LAND AND LAND TENURES.

The Condition of the Tenants.

A system of land which has bred for ages on the blood of the peasant during autocratic rule cannot be transformed just by the abolition of Jagirdari and Chakdari. Thousands, nay lacs of small land-holders and cultivators were chained to slavery and hard labour. It were others who benefited by their toil. The condition of the cultivators could not improve merely by the removal of assignees and big landlords. That could only happen when they were recognised as owners of lands on which they toiled day and night. Obviously, at present it was not possible to expect enthusiastic efforts at production from these land hungry peasants. Alien Governments had always tried to deny this basic right to the peasants. The result was, that they fell deeper and deeper into degradation and the chains of slavery went tighter and tighter around them. Poverty and want broke their backs. They were 86 per cent. of the population. Therefore, their slavery meant a serfdom of 86 per cent. of the people. When such a large percentage of the people were in such dire despair at the hands of the exploitation how could they prosper and much less strive for the country's freedom. The leaders of the National movement had it as their defined objective to redeem the *kisans* from this plight. They wanted ameliorating of the peasants' lot for only on these foundations the new order could have been built. That is why, on the assumption of power in their own hands, plans bettering the fortune of the *kisans* came first on the agenda. That is why, in the true sense of the word, the peasant is being associated today in the great task of bringing about and building the people's Government in the country.

I will shortly tell you what was the lot concretely of the tillers through centuries. What it was when we came into power and what it is today. Against that background our friends will get a correct perspective and appreciate the steps which the Government of Sher-i-Kashmir have so far taken to liberate the cultivator from the shackles of economic serfdom.

Old Land Revenue System and the Birth of the Intermediary.

During the period of the old rulers of Jammu and Kashmir in *pre*-British days the amount which was realised as Land Revenue had little relation to the rent which the *kisan* had to pay. Revenue was recovered in cash or kind from those cultivators who tilled the land and produced crop either directly by the Government Officers or through middle-men. The middle-men were called *Kardars* or *Mustajars* who were powerful people and by threat of either being royal descendants or being connected with feudal chiefs or influential persons could exercise un-restricted rights. In many cases they used to levy the super-lordship tax; in most cases it were they who were headmen also for the villages for which they realised Government money. These agents and intermediaries often used to enter into contract with the State to pay a fixed amount into the treasury. They thus realised far more from the people than what they had legitimately to pay leaving for themselves high percentage of commission as remuneration for their labour. This exaction had no connection with the ownership of land but they had plenty of opportunities to oppress, extort and misappropriate. There was also the revenue-farmer who undertook the responsibility of collecting the revenue of a fixed territory in return for certain privileges. He was armed with large and arbitrary powers and saved the Government the trouble of either controlling the revenue officers or of checking their accounts. When the crops were getting ready they used to post their own watch and ward to keep the peasant away from

his crop. The peasant was subjected to ruthless penalties if even through threat of starvation he dare to use little corn for his daily use. There are cases when even the peasant after having visited his crop had his mouth searched lest he had a few grains hidden in the mouth. If it could be proved that he had even swallowed a few grains then no means of punishment were spared to humiliate him. This marks the beginning of the economic serfdom of the cultivating classes of the State, whose exploitation was rampant only till 2 years ago when we took over the Government.

Of Tenures—Land-owners and Tenants.

In ancient times the agricultural system was far different from what it is today. The distinction of the owner and the tiller or various types of cultivators was un-known. The whole land of one particular area was one unit owned by the total number of cultivators living in that area. Only in some cases the cultivated land was sub-divided amongst the people. Pastures, wastes and other lands required for common purposes were held joint. With the increase in population the area under cultivation increased. No particular piece of land as such was specified for any person, on the other hand each individual was given a piece of land of every kind of soil for raising different crops and all collectively were responsible to pay land revenue to and meet other liabilities of the Government. In this simple village economy there was no question of conflict of interests and no social difficulties did arise. The head-man of each village used to settle local disputes with the help of the representatives of the people or by arbitration. Population continued to increase. Social values changed bringing new responsibilities and new rights in turn. Gradually as the village body became more ramified, as the shares of the original members became divided and sub-divided by the operation of the laws of inheritance and as the transfer of shares increased in frequency, new rights sprang

into existence and the idea was created of individual claims at variance with common ownership. After some time the original unity of bond was weakened by the absorption into the brotherhood of strangers from outside. This used to happen every time when a member of the village community alienated his rights by sale or mortgage in favour of a new comer. It also happened in other way. Many amongst the original settlers, who had plenty of fertile land and could not put whole of it under personal cultivation entrusted, with a view to make profit, part thereof to those, who beyond paying a fixed share of produce to the Government agreed to deliver them as well a part thereof. Thus another section of strangers was admitted into the village community. Since land was ample and villages were being founded, few bothered to clean up bad patches but extended their cultivation to better lands. Nobody was willing to labour on and reclaim difficult and unculturable wastes till he was guaranteed permanent right of usufruct. Hence were born the permanent tenants. With the sub-division of holdings by the operation of the Law of Inheritance yet another class of landholders came into being. This was either of females or of those who due to the rigours of the caste system or physical infirmity were incapable of cultivating themselves. Such people gave their lands for temporary cultivation to others, some amongst them undertook to pay a share of the produce to them in addition to what was due to be paid to the State. Thus were born the temporary or non-occupancy tenants.

The Plight of the Landless Labourer.

Where there was less population and more cultivable land, there the competition among tenants did not exist. The owners competed for the services of the tiller and used all means of persuasion to bring and settle new tenants on land. A tenant was evicted only when he defaulted in payment of revenue or the owner's share of the produce. The owner's fixed

share of produce otherwise known as rent which the tenant paid in kind or in cash depended on custom. Where the owner could get more benefit by hiring labour he did so. The labour did not enjoy the status of a tenant. He just toiled and against nominal wages got the produce for the land-owner. This brought into existence the class of the landless labourers—a new category, whose lot as slaves was worse than the traditional slaves of the middle ages.

The Plight of Cultivators Under British Rule.

The cultivators got the worst under British rule. They had to pay land revenue. This was, realised through the middle-man known as *Mustajar*, *malik*, or *Pattadar*. Whenever there was a dispute between these middle-men and the peasant or between the owner and the cultivator, the Government used to arbitrate. Invariably the result would be increase in land revenue and thereby increase in the exactions of the middle-men from the cultivators. During this period some people were declared as owners and others admitted as tenants only. These rights were defined and recorded for the first time during the Land Settlement. A few people were registered os owners and a vast number as cultivators.

The Government of the time cared more to protect the interests of the owners and rode rough-shod on the interests of the tenants. The result was, that the tenants were rendered dismally poor and were thrown in the abyss of degradation.

Classification of Superior Owners, Inferior Owners and Tenants in the State.

The State followed the same pattern of Land Settlement which had been adopted by the British in the Punjab. The Settlement Officers in adjudicating upon the rights of the land-holders followed the precedent of the Punjab and the North-Western Frontier Province. The cultivators were classified

as permanent (occupancy), temporary (non-occupancy) and tenants-at-will and the owners as superior and inferior land-owners. The payment of rent by the tenants to the land-owners was made compulsory according to custom. A slight guarantee was given to the tenants who were permanent that only for special reasons they could be evicted. The temporary cultivators and the tenants-at-will could be evicted by an ordinary notice at any time.

Classification of rents and the owner's share.

The kinds of rent were of four kinds:—

1. Nakadi,
2. Batai,
3. Zabti, and
4. Chakota.

1. Nakadi was cash rent paid on land irrespective of the crop grown upon it.

2. Batai was a definite share of the crop.

3. Zabti was cash rent for particular crops which could not conveniently be divided, at fixed rates per *kanal* or *bigha* ; and

4. Chakota was lump grain rent consisting of a fixed amount of grain in the spring, and a fixed amount of money in the autumn harvest.

In our State generally the landlords used to realise either $\frac{1}{2}$ or $\frac{2}{3}$ of the produce in kind as rent from their tenants and at some places the rent recovered was higher.

To increase rent depended on the sweet will of the owner. Therefore, in proportion, the share of the produce (Batai) also increased automatically. The share of cattle fodder every tenant was giving to the land-owner as a matter of right. In addition to that

the owner had the right to free service from the cultivator. In case of cash rents still bigger extortion was resorted to. The amount was enhanced at will and land was given to him who agreed to pay the increased rent. In the matter of kind rents the tenants suffered the same way. The laws of the land and the Government were at the back of the landlords. The rents continued to be raised so much so that the cultivation of land was no longer a source of income to those who tilled it. The tenant was, however, helpless and was obliged to stick to this slavery for want of any alternative means of livelihood.

Keeping an eye on this back-ground it will be easier to understand the extent to which the reforms, which we have inaugurated, will ameliorate the lot of the peasants and what change of life it means to the tiller who has been declared now the owner of the land he holds and cultivates.

Sher-i-Kashmir introduces an aged Kisan to a big audience at Ranbirsinghpora.

CHAPTER VI.

PROTECTION OF THE RIGHTS OF THE TENANTS.

The Helplessness of the Cultivators under the Old Regime.

The Tenancy Law as administrated by the old Government was not exhaustive of the rights of the tenants and contained few provisions which gave adequate protection to the cultivators. In fact it was a piece of legislation which went too far to safeguard the interests of the landlords. The tenant was left at the mercy of the land-owning class and the law barely helped him. Any arrangement or deal in respect of rent between the landlord and the tenant was generally considered to be legally valid and it was believed, that the Government could not interfere. Whenever the Government felt, that the landlords did not fully benefit by the accepted rates of rent it at once championed their cause in utter disregard of the principles of non-intervention and custom. It always wanted, that every deal should give the lion's share to the landlord. Time came when the peasants were forced into payment of excessive rent to the landlord. This left hardly anything with the tiller who produced gold with the labour of his hands and who was faced, for the greater part of the year, with hunger, with his family in straits and the landlord getting the fate of the land. These are not old tales but the events of yesterday—of the yesterday of our coming into power. A bitter reality only three years ago. In lieu of the whole year labour the peasant could retain food only enough to maintain his family for a few months. For the rest he fed on vegetables, leaves, and grassy diets. So unspeakable was his condition. This was the result of the Government existing for the land-owners, the land producing for the landlords and the laws backing up the

dominating class. The cultivators had consequently no place in the distribution of prosperity and benefits.

Reforms in Tenancy Law.

The land obviously belonged to him whose labour produced the wealth of the grains. It is an acknowledged fact among all who see the world in the light of progress. The land belongs to the tiller. Civilised Governments have to accept it as a reality. This truth needs no discussion. The land-owning classes have so far been playing with the rights of the peasant. Two weapons were used to rob the peasant of his labour and its fruit, (1) unlawful evictions, and (2) enhancement of rent at will. No Government can claim either to be popular or democratic till it takes steps to bring about good to the largest number of the people. Therefore, the first steps that the present Government took were reforms of the Tenancy Law in relation to ejectments and rents. This was the link in the chain which was to be completed by the final step of transferring the land to the peasant. By a special law a limit was put to the landlord's right to rent and the privilege to forcibly and unlawfully evict the tenant was taken away from him.

Limit to the Payment of Rent.

By amending the old Tenancy Act of 1924 A.D. it was provided, that every landlord of tenancy or tenancies exceeding 12½ acres of *Abi* land could get only 1/4 of the produce and in case of cash rent only 1/4 of the price of such produce. This brought 3/4 of the produce to the peasant. In case of *khushki* lands the landlord could receive 1/3 and the tenant-cultivator 2/3 of the produce. "*Abi*" areas were defined to include those areas in which Sugar-cane, Wheat, Maize, and Linseed are sown. Where the landlord did not provide seed, implements, and cattle for purposes of cultivation the tenant was not bound to give any share of the fodder to him.

It was also provided, that in case of tenancies not exceeding 12½ acres the landlords could get no more than ½ of the produce. Before this, in most cases they used to receive ⅔ from the cultivator. The tenants, in case of cash rents, were now liable to pay not more than ½ of the price of the produce and in case of kind rents not more than ½ of the produce appropriating the rest to themselves.

Restrictions to Enhance the Rent.

It has been provided by law, that where the existing rent in case of tenancies exceeding 12½ acres is less than ¼ or ⅓, according as the area contained in the tenancies is *abi* or dry, or in case of other tenancies is less than ½, it can not be enhanced.

Conferment of the Right of Protected Tenancy on Cultivators.

By another amendment of the old Tenancy Act the tenants with continuous possession since Rabi 2005 (April-September 1948) were granted the right of protected tenancy in respect of 17 *kanals* (2⅛ acres) of *abi* or 33 *kanals* (4⅛ acres) of *khushki* land in the Province of Kashmir and in the frontier districts of Ladakh and Gilgit and 33 *kanals* (2⅛ acres) *abi* and 65 *kanals* (8⅛ acres) *khushki* in the Jammu Province. The tenants were also given the option of selecting their protected lands and, in case some protected land had to be given up as a result of any lawful proceedings of ejectment, the right of protected tenancy *ipso facto* accrued for the remaining lands in the tenancy holding. In this way the hands of unwarranted ejectments were stayed and fixity of tenure for the tenants was ensured.

Power to appoint Referee in Case of Disputes about Division or Appraisement of Produce.

In case of any dispute about division or appraisement of produce the local Revenue Officers have been

given power to appoint a referee to divide or appraise the produce on spot. It is open to them to act *suomotu* or on the application of any person interested.

Summary reinstatement of tenants in case of unlawful ejectments.

A protected tenant has been given the right, in case of unlawful ejectment, to sue for recovery of possession or for compensation or for both, within one year from the date his tenancy is sub-let by the landlord who may manipulate to get him evicted on the plea of *bona-fide* self-cultivation. We have also provided for the summary re-instatement of tenants, who have been wrongfully ejected after 1st Baisakh, 2004, (April 1947), and have empowered the district officers (Wazirs Wazarat) to restore them to possession of their lands on simple applications presented before them. This will apply even to those cases where suits for recovery of possession have been dismissed in default or on reasons other than merit.

Right of Protected Tenancy Subsists in spite of the Decree or Order of the Court.

In several cases it was found that, on suits by the landlords the tenants had been ordered by the courts to be ejected from their tenancies while, in the meantime, the tenants had acquired the new right of protected tenancy. In this manner, the Tenancy Law became infructuous. With a view to protect the tenants against these inroads into their rights, legal restriction was placed on ejectment orders or decrees passed by any court, if these were not executed till 4th Maghar, 2005 (18th November, 1948).

Grant of Right to Old Tenants.

We have granted permanent (occupancy) tenancy rights to those tenants who have been in cultivating possession of their lands since Samvat 1937 in Kashmir and in Ladakh and Gilgit since Samvat 1942.

Restrictions against Evictions.

The permanent and protected tenants enjoying the privileges of the new law cannot be evicted from their tenancies except as a result of proceedings taken before the Revenue Courts, and the Courts can decree ejectment only on special grounds which the landlord must fully justify. The landlord shall have to prove, that the land covered by protected right is being used in a manner which renders it unfit for the purposes for which it was held or that where rent is payable in kind the tenant has, without sufficient cause, failed to cultivate the land in the manner or to the extent customary in the locality in which it is situated or that he himself *bona-fide* requires the land for cultivating it personally or that the tenant has sublet the tenancy. Where the landlord wants the land himself for cultivation he is precluded from obtaining possession of an area which, with the land he already cultivates personally, exceeds the unit of tenancy for which right of protected tenancy has been granted to the tenant.

This is how the present Government have arrested the evil of increasing evictions and saved the poor tenant from being thrown at the mercy of the landowner. The law has also protected the interests of those cultivators, who are neither occupancy tenants nor protected tenants. Such tenants could be evicted in the past by a simple notice which the landlord used to get issued and the Revenue Officer used to get served. The tenant in the Jammu Province was required to vacate the land before the 1st of Jeth and that in the Kashmir Province before the 15th of Assuj. He could, within two months of the service of notice, file a suit in a Revenue Court of competent jurisdiction, to contest his ejectment. In large number of cases, he used to remain in ignorance of the issue of notice of eviction and he got the hint right at the nick of time. Thus, virtually he was apprised of the notice when he was at the point of being evicted. The tenant, be he of any class, can no longer fall a

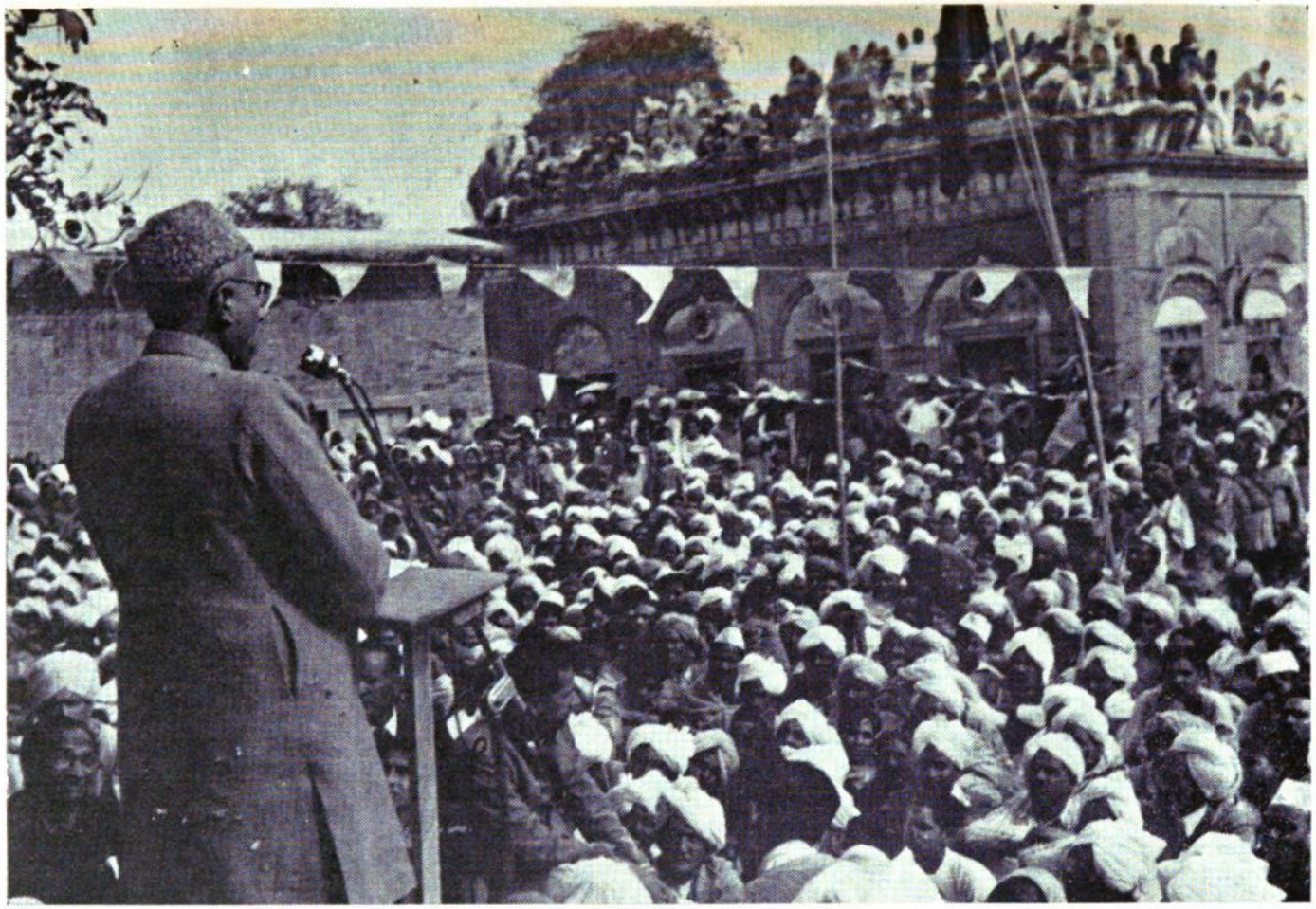
prey to the machinations of the landlord or the intrigues of the petty village official. The right of the issue of eviction notice has since been withdrawn and the amended law only permits for proceedings for ejectment to be taken before and adjudicated upon by a regular revenue court of competent jurisdiction.

Presumption of Truth is not attached to entries of self-cultivation by land-owners for areas exceeding 100 Kanals.

In many cases, the owners in collusion with the petty officials of the Revenue Department used to get such lands entered as under self-cultivation as were actually under the cultivation of the tenants. Thus the toiling cultivator was deprived of his right and the owner used to enjoy the fruits of his labour. The law was at the owner's back. Under the old law, every entry in revenue records was presumed to be true. The new Government were not prepared to credit any entry as *bona-fide* which was not justified by the standards of husbandry prevalent in the country. It was, therefore, provided by law, that notwithstanding anything contained in the Land Revenue Act, any entry made in a record-of-rights or in an annual record whereby the *khudkasht* cultivated holding except land grown with trees, of a landholder is shown to exceed 100 *kanals* (12½ acre) shall not be presumed to be true.

It is obvious, how far the present Government have endeavoured and acted in the matter of protecting the rights of the cultivators. Kashmir history has no similar example to show. The tenant is no longer a target for the sweet will of the proprietor of land. A magnificent social revolution is taking place in the country. It has already given to the mute majority of the peasants, its basic right. It is worthy to note that there are other Governments also that are following Kashmir. Very recently the right of protected tenancy has been conferred on the tenants

in Hyderabad, and the abolition of Jagirs and other vested interests in being enforced in this and many other States in India.



Sher-i-Kashmir addressing a gathering of Kisans on agrarian reforms at Parol, a village 60 miles from Jammu.

CHAPTER VII.

Equitable Distribution of Government and Non-Government Lands.

We have had an eye view of the privileges and rights conferred on the tenants and the cultivators. These have benefited nearly 3/5th of the peasantry. The total cultivated area of the State is about 22 lakh acres. Out of this about seven lakh acres are tilled by the tenants. By limiting the rent payable to the landlord, the peasant has been enabled to enjoy maximum portion of the produce of his land. I now proceed to detail some further steps which have been taken with a view to releasing the toiling class of our people from the bondage of exploitation.

Partition of Shamilat Lands.

More than 20 years ago, the Government of the time had issued orders that every landlord could bring State land under cultivation to the extent of cultivated land in the holding. Only the big land-owners benefited by this order. They appropriated vast tracts of land in the name of Shamilat and got them cultivated by others. Small land-holders and poor cultivators who had no influence were precluded from being benefited by this distribution of common land. Put bluntly what happened was, that as soon as the orders become operative a loot started for the grabbing of the available land and every one lay hands on as much of it as he could. Nobody cared a fig for the genuine needs of the small tillers who were pushed to the wall. The Government of Sher-i-Kashmir immediately on assuming power framed new rules and declared a new procedure for the partition of Shamilat lands. The procedure hitherto followed was not only lengthy but also involved huge expense so much so that many applicants were often forced to withdraw their claims. Our Government have made the process simple and

quick. The new rules empower a Revenue Officer to apportion the Shamilat lands according to the pro-rata share of each landholder and where he finds, that a big land-owner has grabbed more than what is due to him, to allocate such excess land to those who are entitled to it. He has also the authority to put the rightful shareholder of Shamilat in possession against one who has no title to it. This has led to an immediate redress of a grave injustice that was perpetrated on the poor peasant, who had all these years been denied what justly and legally belonged to him.

Release of Government and State Waste-lands.

The agricultural holdings in the State are usually small. The average is between 10 to 20 *kanals* (1¼ to 2½ acres). With the increase of population, pressure on land increased, and with this, the need for extending the holdings was also felt. The use of Government and State lands was, however, forbidden. These lands were governed by special rules which, in their application, created strange anomalies. If an application for grant of State Waste-land were made, it would be sent down for report. The local officials would carry out the necessary survey, draw up a map, compile area figures and complete the file, all at the expense of the applicant. Then the land would be put to auction and go to the highest bidder. The poor who required it most usually failed and those who were rich got the land. Thus land came to be divided according to riches and not according to the needs of the poor. This method was so unjust, lengthy and cumbersome that only influence and wealth could benefit by it.

The present Government released all these lands for extension of cultivation and, in the matter of allotment, gave top priority to the claims of the landless peasant and the farm labourer, who had so far lived by depending on the lands of others. Next to them in order of priority were peasants whose holdings were inadequate. A substantial area of Government lands has thus come to be possessed by

people who till recently were no better than serfs. Some of the residual waste-land was put under collective farming as an experiment. In result nearly 2 lac of *kanals* of Government and State waste-lands were brought under cultivation in a very short time.

The Object of Reforms.

A look at the reforms which are so far mentioned would give an idea of how the Kashmir Government have attempted to lay the new foundations for a social and economic order in which every working man can add to the National Wealth through honest labour and how the Government bears the responsibility of providing livelihood for its working people. The reforms carry the common object that man becomes the master of the means of production in a manner that he is freed from exploitation from others and his betterment socially and economically is guaranteed.

'Mahal Singara' and the baneful effects of contract system.

The people in general know what *'Mahal Singara'* is by name, but very few really know what actually this *'Mahal'* is, how the people and the Government are associated with it, what is its structure and what its method of management.

The Wuler Lake is among the most famous in our country. It is known in India as the largest fresh water lake. *Singara* (water-nuts), called *'Goar'* in Kashmiri, grows in it abundantly. No official estimate of the total yield of this product has so far been made. Unofficial estimates, however, put it at one lac *khirwars* or 2 lac maunds per annum. From the land Settlment uptil now, it has been customary to lease out the water surface, which was given the name of *'Mahal'*, covered by *singara*, by public auction. The highest bidder who got the lease entered into a contract with the Government. He employed labour from the surrounding area, of which the picking,

extracting and collecting of *singara* had become the profession through generations. These labourers used to spend weeks and weeks working in water and then handed over the *singara* to the contractor. In return they were given very scanty wages and in some cases the contractor even made no payments using the old known methods which the other exploiting elements used against their employees. He gave small advances in money which accumulated as debts. Eventually the wages and the *singara* were accounted for towards the part liquidation of these debts, with the result that the labourers were reduced to a state of penury and misery. The contractor was out to realize his money. He sued the labourer—the *singara-Kash*—obtained a decree and got the debtor's property attached and sold. In this way, the contractor by threat of his power, without pity or conscience, exploited these helpless toilers and encroached on their social life to ruin them for his own ends.

Exploitation of Singara Labour.

Our Government have taken a census of these workers. 372 families were bearing the burden of contractor's extortion and the contractor had been making merry over the labour of 6,000 hard working men These 6,000 had barely bread to exist. They could not sell even an ounce of *singara*, for that was one of the privileges the contractor used to secure from the Government. He was the monopolist, who himself had the right to sell and to receive any *singara* that was produced. Any *singara* found for sale was to be considered. the property of the contractor. The contractor converted to gold the labour of the toilers, who produced wealth for him against nominal wages. In most cases he even appropriated to himself the wages of those unfortunate victims of circumstances who, in search of livelihood, went about to collect *Singara* independently from the round about area. A wily class, the contractors often joined hands against the Government interests. They would desist from entering into any competition for bid and secure

the contract at low value. In this way, they defrauded the Government of their due and full receipts and added to their own margins of profit.

The end of Contract system and its Replacement by Licence.

The Kashmir Government have ended the contract system and instead have licensed the picking, extraction and collection of water-nuts. The *singara* labourers are now free to trade in water-nuts. They get licenses in their own name and the middle-man's business is finished. Everybody can earn according to his labour capacity. The license fee has been fixed at Rs. 6 to Rs. 25, varying with the length of time. The licenses are non-transferable. The object being that nobody who himself does not work should benefit at the expense of another's labour. 25 villages around the Wular Lake are directly affected by the new method and after ages the people there have breathed a sigh of relief. This year the Government was offered one lac as lease money for '*Mahal Singara*' but the Government rejected the offer in the interests and for the betterment of the *siugara* labour. These are the blessings in the true sense of that Government of the peasant and the worker, for which the masses have, during the last 20 years, struggled under the guidance of the National Conference and the inspiring leadership of Sher-i-Kashmir.

CHAPTER VIII.

AGRICULTURAL POLICY—PAST AND PRESENT.

The Non-cultivating Proprietor only a Rent Receiver.

Our agricultural system has three elements in it. The Government, the land-owner and the tenant. The Government is concerned with land revenue and the owner is the middle-man who receives rent for himself and collects revenue for the Government. The tenant works to get the yield out of the land. He alone can be considered to be the real owner of land, who has acquired it by legitimate means, cultivates it himself and is anxious to increase its produce. The position of the present owners is that they have no interest in cultivation. They only bother about the rent. In actual practice, therefore, they have become mere rent-receivers. This very section is known by the name of 'Zamindars', as those who hold '*Zamin*' or land. In name they are Zamindars all right but they are not even distantly connected or concerned with the cultivation of lands. An agricultural system which gives importance to such Zamindars and installs a class of idlers upon the toiling peasants, cannot, therefore, survive the new urges of a new order, and must be thrown overboard so that room is made for the founding of a just social and economic order. Till that happens, no nation and no country can aspire to march forward on road to progress.

Patronization of the Absentee Landlord as against the Actual Tiller in Days Gone-by.

During the British rule, the agricultural policy of the State was so adapted that it deprived the actual cultivators of their rights in land and developed and strengthened the position of the landowners, who did

not cultivate the lands with their own hands. During Moghul times the realisation of State dues was left to the revenue farmers and that too for one year, as a temporary assignment. The idea of transferring the ownership of land did not exist. Some expert historians of the Indian Land Revenue System have maintained that the term 'Zamindar' is a creation of the British rule. In earlier times such people were called '*Zimmadars*' which meant 'responsible'—responsible for collecting land revenue from any tract or estate on temporary basis. During the Moghul rule only two shared the produce of the land, the Government and the cultivator, and the class of people which came into being during the British times, as owners, did not exist. It is said, that even in British times, when the first land code was adopted, the objective was to give protection to the 'ryot', *i.e.*, the cultivator. Afterwards instead of the word '*ryot*' the term 'Zamindar' was proposed, and here began the curtailment of the rights of those who worked on the land and the coming into existence of the absentee landlord. The Government concerned themselves only with the land revenue. They, therefore, thought it futile to ponder over the class-distinction of the absentee and the non-absentee Zamindar and the consequences of such distinction in course of time.

The Effects of Absentee Landlordism.

The absentee landlordism has led to three main defects in land system. Firstly, the fragmentation and sub-division of holdings; secondly the extension of social exploitation; and thirdly the absence of full utilization of cultivated lands.

The land-owners exacted as much rent from tillers as they liked. Sometimes they alienated their rights to another person, who became the landlord and realised the rent from the actual cultivators. Such person, be he a Pattadar, Mustajir or a rent-receiver, used in his turn, to delegate or lease his right to

some other person. Thus an army of intermediaries came into being. They had no interest in the cutivation of the land. One intermediary would pay something to the other, each retaining a substantial part of the profits for himself. In this way, in some parts of India as many as 50 intermediaries formed links in the chain which bound the tiller at the bottom to the actual owner at the top. All the middle-men thus rode on the back of the poor tiller, and thrived on the produce of his toil. In our State also such chains could be traceable in many cases to a link upto 10 middle-men, whose subsistence was derived from the blood of the exploited tenant.

Unjust Distribution of Agricultural Land and the Bulk of Cultivators Remaining without Land.

The exploiting system of absentee landlordism was as uneconomic as it was unjust. On the one hand was a handful of people as owners of land which they did not cultivate. They did not contribute anything towards increasing of production nor towards adding of wealth to the national resources. On the other hand, was a majority of people who either did not own any land or even if they did it was so small that they could derive little benefit from the hard labour that they put on it. This defective distribution of land led to social inequalities and seriously affected the general economic condition of the country.

In the pre-partitioned Punjab ½ of the agricultural land was in possession of five to eight per cent. of the population. It is said, that in the Bombay Province 56 per cent. of land is in possession of just 1918 persons. In the State of Hyderabad, Jamaredi Jagir covers an area of 13,000 acres, *i.e.*, 1,04,000 ***Kanals*** and Jagir Kalori alone an area of 80,000 acres, ***i.e.***, 6,40,000 *kanals*. 70 per cent. of the cultivators in India are said to be non-land-owning, and the tragedy is, that the permanent and the temporary cultivators in larger and larger numbers are getting deprived of land and simultaneously with the indifference and

neglect of the proprietary body, the production from land is on gradual decrease.

Facts and Figures about the Non-cultivating and Cultivating Proprietors in the State.

In the State of Jammu and Kashmir 1½ lacs absentee landlords hold 11 per cent. of the total cultivated area of the country. As compared to that the cultivating peasants numbering about 8 lacs hold only 32 per cent. of the cultivated area. There are 3 lacs of tenants who do not own any land, but cultivate the land of others (about 10 per cent. of the cultivated area).

These figures reveal how large an area is held by the absentee land-owners and how little, far less than they need, is with those who cultivate with their own hands. For example, only 472 proprietors own between themselves 11,59,664 *kanals* of land, and 1,886 owners hold 11,26,088 *kanals* of land. There are only 9,000 owners who hold more than 160 *kanals* of land each. They between themselves own 53,03,856 *kanals* of land. By virtue of the history-making reforms announced on 13th July, 1950, out of this very 53 lacs *kanals* of land about 45 lacs *kanals* of land are being wrested from the absentee landlords and are being distributed to those tillers, who either possessed inadequate holdings or owned no land at all.

Social Dangers and the Conflict of Class Interests and the Way out.

From the agricultural point of view a great social danger was looming, threatening on the horizon of our country. On the one hand, due to varied complications, the number of self-cultivating peasants was decreasing giving rise to a larger and larger number of landless tillers. On the other hand, a handful of people were grabbing the major portion of produce, appropriating a larger and larger share of wealth to

themselves. They were sunk in their content, and fervent in pursuit of extracting more and more. This state of affairs was the fore-runner of the very grave class-conflict, the consequence of which, it is not difficult to foresee and estimate. Sher-i-Kashmir Sheikh Mohammad Abdullah had his finger on the pulse of the people. The National Conference, as a people's organization, is always bound taking stock of the changing minds of the people and notable developments. Our Government, therefore, on coming to power knew well enough the consequences of the crisis that had been brought about by land slavery. In order to protect the people from all dangers of disruption and disorder, the necessary economic reforms were launched in good time. Naturally, the exploiting classes and the vested interests put every obstacle in the way of the Government but with determination we have been successful in steam-rolling the challenge of such elements. The steps which we have taken in changing the economic and agronomical system of our country have made history. They have been received with rejoicing and enthusiasm by all people who are crusaders in the great cause of building up a healthy, rational and just order of society.

Sher-i-Kashmir at Bhadrode addresses Kisans, announcing figures of lands which pass on to tillers in ownership right. Revenue Minister along with the Land Reforms Officer, congratulates a tiller on his acquiring ownership right.

CHAPTER IX.

THE END OF LANDLORDISM AND THE HISTORIC REFORMS.

Appointment of "Land to the Tiller" Committee.

In April 1949, the Government appointed a Committee of official and non-official members, with the following terms of reference, to examine and report on the various issues connected with the implementation of their declared policy of giving land to the tiller :—

(*a*) What should be the maximum amount of land, which an individual owner should be, ordinarily permitted to hold,

(*b*) In what circumstances, and under what conditions, should the restriction in regard to the optimum amount of land permitted to an individual owner be, in the interests of efficient and economic land utilization, relaxed;

(*c*) On what terms should land owned by individual proprietors in excess of the optimum amount allowed to them be acquired and transferred to peasants or tillers,

(*d*) What class or classes of people should get preference in the allotment or transfer of land acquired from the existing land-owners,

(*e*) What should be the size of an economic holding in regard to different types of classes of land and what safeguards should be adopted in the initial allotment of land acquired from land-owners on the transference of ownership to secure that no holding is less than the economic unit,

(*f*) What safeguards are necessary to secure against break-up or the subinfeudation of economic holdings, and

(*g*) What steps be taken to organise a community of peasant proprietors and secure efficient utilization of land resources.

Personnel of the Committee.

The Committee consisted of two Government members :—

(1) Hon'ble Khwaja Ghulam Mohammad Sadiq, Minister for Development.

(2) Hon'ble G. L. Dogra, Finance Minister,

and three non-official members :—

(1) R. B. Th. Kartar Singh, Jagirdar, representing land-owners of the Jammu Province,

(2) Kh. Ghulam Ahmad Mir, Zaildar of Sallar. Tehsil Anantnag,

(3) Kh. Ghulam Qadir War of Warapora, Tehsil Sopore, representing the cultivators,

with myself as Chairman.

It is obvious, that this Committee was fully represented of all interests.

What the Committee did.

The Committee drew up a comprehensive questionnaire touching, amongst others, the following important problems :—

(1) Whether the ownership of land should vest in the State or be transferred to the tillers ?

In case of transference of ownership to the tillers, whether any portion be left in the possession of the existing owners or not ?

(2) What should be the unit of an economic holding ?

(3) Whether any restrictions be placed on the alienation of lands ?

(4) What methods should be adopted to secure efficient and full utilization of land resources in the State ?

(5) Which of the systems of farming,

(*a*) co-operative ; or
(*b*) collective ; or
(*c*) application of mechanised labour,

individually or together, could secure full utilization of land resources ?

(6) Whether any compensation be given to the landowners or not ?

It was widely circulated for public opinion. The Committee held many meetings and considered complex land problems. Replies to the questionnaire came from people and institutions and organizations, from all over the country. On the basis of the data that was collected and the suggestions that were received, the Committee adopted an Agricultural Plan. The Government gave their full consideration to it and in the light of the social, political and economic background of the country, the growing consciousness of the people and the emergence of new thoughts and new principles, laid down the fundamentals of a progressive land economy on which a new order of agricultural reconstruction is being built. This order not only aims at raising the standard of living of the cultivators through relieving want and

unemployment but it also aims at increasing the collective production and recasting the entire economic system of the country on a new social pattern.

The Government's View-point.

The present Government have introduced the land reforms in accordance with the new urges of the new age. It could not afford to ignore the increasing discontent among the hunger-stricken people and the growing class conflict, which made it not only expedient, but also necessary to confer ownership of land on the tillers. To delay the decision would have been to invite the rising tide of class struggle to swamp the country into social chaos, and to put the interests of the people as a whole in jeopardy. The present Government is a Government of the people and for all its actions is responsible to the people. Therefore, its acts and plans must reflect the sentiments and the feelings of the largest number of the people. It is the objective of our Government, that in this land, regardless of colour and creed, every person has the right to live a free and honourable life and to that end we desire that everybody must have an equal opportunity to develop and advance, get fair treatment and not be explosed to exploitation. We are here to ensure justice, and stand as a guarantor of securing full benefits to those who labour. Socialism does not admit of any exploitation. It is the most earnest endeavour of the Government of Sher-i-Kashmir to set up a social and economic system which roots out all exploitation for all times to come. We believe in changing the social system by a process of evolution. We wish to bring it about peacefully. We do not want disruption and disorder. We want to decrease all tensions and conflicts. That is why in handing over the land to the tiller, we kept in mind almost all sections of the people. We have even left a margin for the absentee landlord and extended to him special concessions. Where the landless tiller has become the beneficiary of the new

reform, with new opportunities, there the absentee landlord has also been afforded an opportunity to become an owner of the land in the real sense. Our whole objective is, that every subject of the State, who wants to adopt agriculture as his profession and who is prepared to march hand in hand with other sections of the people working for development of land and its productivity for the benefit of the people as a whole, may find scope for survival and share the wealth that land is.

End of Landlordism.

In this retrospect it will be helpful to understand the reforms that we have recently introduced in the existing land system of the State. These are the mile stones on the route of our people in their march towards progress and shall remain memorable events in the annals of our homeland.

The Reforms.

It has been provided by law that every owner, whether self-cultivating or not, shall be entitled to retain only 182 *kanals* of land. In addition to this he shall, for the present, be entitled to keep whole of the grass farms and also unculturable waste including that used for raising fuel and fodder, with himself. Orchards will also continue to be with the owners as these are not yet intended to be nationalised. In regard to the disposal of grass farms and unculturable waste, a Committee is being set up to examine and report as to how they can be best utilised and adjusted in the rural economy of the country in a manner to yield maximum benefit for the peasant and his family and for all the other elements in the village community. It will be the function of the Committee to decide as to what body should be made responsible for the management of the areas, what rules should govern such management, on what conditions should individual possession be allowed to continue, how far and in what manner can co-operative

effort succeed, what methods should be adopted, and what steps, if any, be taken to continue or terminate the existing rights of the owners in these lands.

Transfer of excess land to the cultivating peasants in ownership right.

Leaving 182 *kanals* of land and the grass farms and the unculturable waste, the remaining land of every proprietor will, in accordance with the provisions of the new law, be transferred in ownership right to the peasant to the extent of his possession. Thus, if a peasant were in cultivating possession of 5 *kanals* of land owned by a Chakdar, or big land-owner, he becomes an owner of 5 *kanals* ; if he has 20 *kanals* in his possession, the law confers upon him the right of ownership for 20 *kanals*. It is this peasant, who will henceforth be responsible for payment of land revenue and cesses assessed on that land. In other words, all the rights and liabilities in respect of the land so transferred will devolve upon the new proprietor—the tiller, and the Government will deal with him direct and not through the sleeping partner which the *ex*-proprietor was. The land revenue will be reckoned at village revenue rates and the land transferred will be deemed as if it had been settled with the tiller to whom it is transferred. For purposes of possession, Kharif 2007, will be taken as the basic date, *i.e.*, the tiller will become the proprietor of the area in his cultivating possession in Kharif 2007. This is, however, subject to the restriction imposed by law that no cultivator shall possess more than 160 *kanals* (20 acres) of land. For instance if a cultivator already owns 100 *kanals* (12½ acres) of land and also cultivates 80 *kanals* of another owner (whose holding exceeds 182 *kanals*), then only 60 *kanals* of land shall be transferred to him. The law also prohibits the transfer of land to a tiller, who is not a State subject. This provision is a safeguard against the acquisition of lands by non-State subjects.

Transfer of Ownership of Land to the Tillers, Free of any Price or Compensation.

It is not difficult to estimate the value or price of agricultural lands. The existing Alienation of Land Act permitted the sale and mortgage of lands. The capitalists and big landlords apart, even the small peasant proprietors used to purchase land according to their needs. The land value after S. 1990 continued to rise till the price of one *Khirwar* (32 *kanals* or 4 acres) of land in Kashmir shot up to Rs. 3,500, *i.e.*, in private transactions the land tossed the high price of Rs. 110 per *kanal*. Some price for land had also been officially recognised. When the old Government decided to grant proprietary right in respect of the State held-at-will lands, they fixed 20 times the land revenue as the basis for calculation of the normal price of the land. If the land revenue per *kanal* was Re. 1/- then on payment of Rs. 20 the ownership right of one *kanal* of land could be conferred on the tenant who was in possession thereof. Many people secured State lands at these rates. The tenants also purchased private lands at some places at these prices. This reference here to the transactions of transfer and the prices of lands is necessary to just give an idea of the total value of lands which are being transferred to the peasants. One can imagine the total value of the forty-five lacs (45,00,000) *kanals* that are passing on to the tillers. According to the new law, which has been enforced by the present Government, the tillers to whom lands are being transferred in proprietary right are not required to pay a single pie by way of compensation. The obvious reason for it is, that the people's Government of to-day recognise that only he is the legitimate owner of the land who tills it and makes it produce grains. In conferring the ownership of land on the tillers the Government of Sher-i-Kashmir Sheikh Mohammad Abdullah have restored to them the right which they had been denied for centuries. To make an individual pay money for restoring him what justly belonged to him would have been equivalent to the surrender

of all human values. The law has left the question of compensation to the original owners an open question, finally to be decided by the Constitution making body of the people. But so far as the National Conference and its Government are concerned, we are decidedly not in favour of paying any compensation to the old proprietors.

Land Development Cess.

It is known that, under the existing law, some cesses are realised along with the revenue assessed on lands. These include cesses for education, sanitation and Patwar. They are minor charges dating from old days.

The Abolition of Big Landed Estates Act provides, that the tiller to whom land is transferred in ownership right shall pay the dues for the time being in force and shall also pay a special cess to be called the 'Land Development Cess', which has been fixed at four annas for every rupee of land revenue. The income derived from this cess will be credited to a Land Development Fund to be utilized for rehabilitating the tillers and for making improvements on the lands that are transferred to them. We will provide better roads, improved breed of cattle, modern agricultural implements and chemical fertilizers to our peasants. The fund will be the fund of the cultivators themselves and will be spent for their own benefit.

Transfer of Lands owned by Enemy Agents and Evacuees to the Tillers.

The lands that were owned by Enemy Agents have already been forfeited to Government and under the new law, will directly be transferred in proprietary right to the tillers to the extent of their possession in *Kharif* 2007. It will be recalled, that some of the State subjects were guilty of high treason and treachery against their mother-land. They assisted the enemy in invading our country and committing atrocities

against their own nationals without any regard for human standards of citizenship. The new law also applies to evacuee-proprietors. The lands owned by them in excess of 182 *kanals* will be transferred in ownership right to such tillers as were in cultivating possession of such lands as tenants thereof before *Rabi* 2004. The purpose is, that those alone who were in possession of evacuee lands before the Pakistani invasion or communal disturbances should become the owners, for they are the rightful claimants and in cases where the existing cultivators do not happen to be the tenants who held such lands prior to *Rabi* 2004, the right of ownership will not accrue though the possession will not be disturbed. We want that the rights of the genuine cultivators should not be jeopardised by default.

Nationalisation of lands which are untenanted.

It has been provided by law that all lands of which the right of ownership is extinguished (these are such lands as are in excess of 182 *kanals* allowed to be retained by a proprietor), and which are not in the cultivating possession of any tenant, shall vest in the State. In our State the extent of cultivated land is less in proportion to the number of cultivators. This shows a surplus of landless peasants and field labourers as quite large. These people live on the lands of others. It is possible for them to acquire proprietary right in small pieces of land under the new law but that alone cannot solve their problem. It is for their benefit that the Government have decided to nationalise the untenanted lands belonging to the exproprietors. We can get such lands cultivated by these very people. In the interests of the community and with a view to improve the land system itself, it is necessary to develop collective or co-operative farming. Many civilised countries have experimented in co-operative farming with satisfactory results. It has considerably raised the standard of living of the cultivators as a class. Time

has come, when we should give a trial to this system in our own country.

What lands are included in the ownership of a proprietor.

The abolition of Big Landed Estates Act provides that the lands owned by a proprietor shall include :—

(1) Lands of any class held or acquired in ownership (by sale, mortgage, gift, will, inheritance or otherwise) by him ;

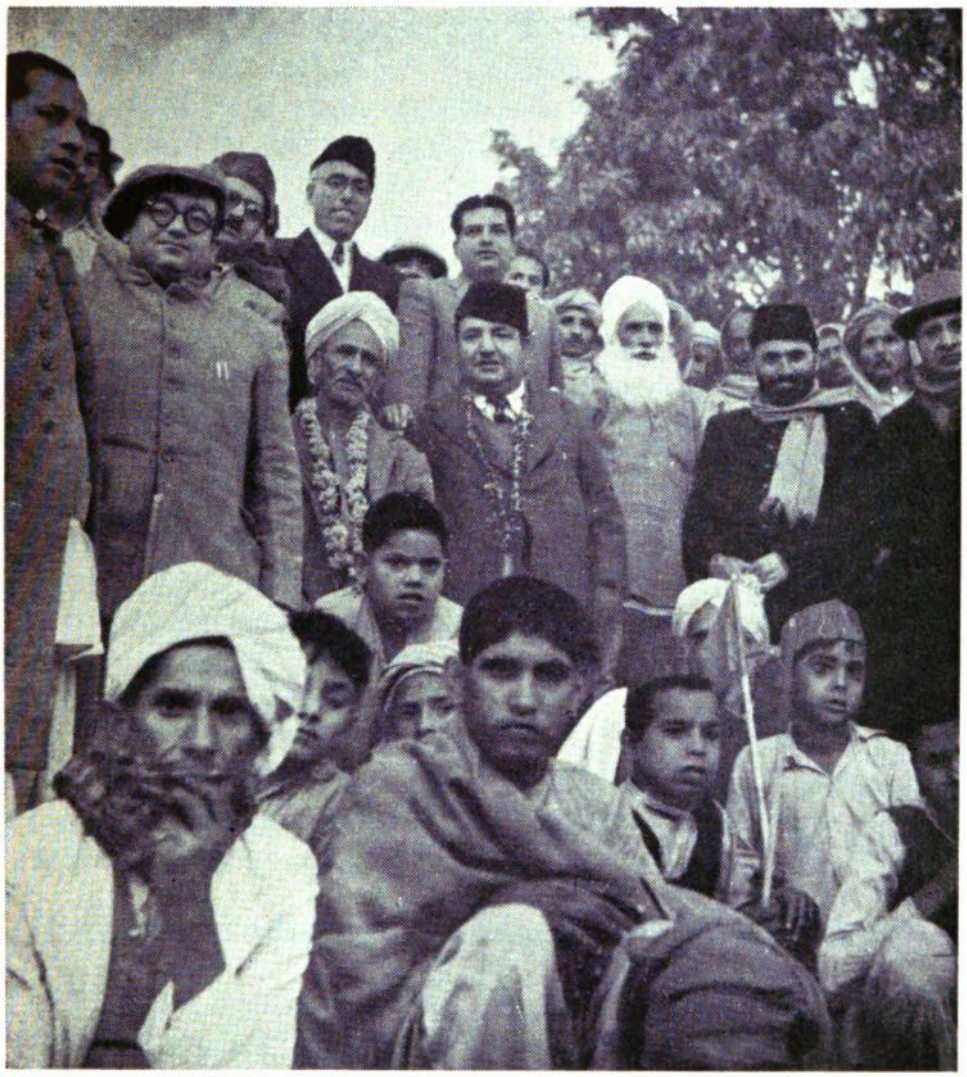
(2) Shamilat (Common) lands held by him to the extent of his share, whether amalgamated with and entered in his ownership holding as a result of partition or entered in his name under an undivided Shamilat ;

(3) Lands mortgaged with or without possession, or leased out by him ;

(4) Lands which have been transferred or let in farm for the recovery of an arrear of land revenue or for a sum recoverable as such an arrear which had accrued in respect of such lands ; and

(5) Lands which after 2nd October, 1948, in the Kashmir Province and after 24th May, 1949, in the Jammu Province, have, without legal sanction, been transferred by him by will, gift, partition, sale, family settlement, bequest or exchange, other than an exchange made for the purpose of consolidation of holdings.

An owner may be holding 400 *kanals* of land, which he has got by inheritance. He may, after sometime, succeed to 50 *kanals* of land, owned by one of his collaterals, who has died intestate. He may, in course of time, purchase another 100 *kanals* of land. His share in the village Shamilat may be 50 *kanals*. In this way, the aggregate holding comes to 600 *kanals*.



Sher-i-Kashmir, Revenue Minister, Maulana Mohammad Syed and Sardar Budh Singh with District and Provincial Officers at Kalyanpore with a tiller in their midst.

For purposes of the Abolition of Big Landed Estates Act, the ownership right of the proprietor will be recognised for 600 *kanals*. Out of this, if he has mortgaged or leased 200 *kanals* of land, or if some land has been transferred or let in farm for the recovery of an arrear of land revenue, none shall be excluded from his ownership. Similarly, if after the 2nd October, 1948, he has, without proper authority, alienated any land by sale, partition, family settlement or exchange, in favour of another, such land would still be counted as part of his owned land, totalling 600 *kanals*. In this connection, let me point out, that when we amended the Tenancy Law and prescribed maximum rents payable by the tenants to their landlords in case of tenancies above and below 100 *kanals*, we simultaneously, promulgated an Ordinance restricting the alienation of lands throughout the State. The transfer of lands was, however, allowed for legal and *bona-fide* requirements with the previous sanction of the Revenue Minister. The object was to protect the rights of the cultivators which the land reforms were conferring on them and to stop the exploiting elements from circumventing the law or defeating the purpose of the reforms. It was because of this that the transfers which had been made after the fixed dates by any method, without the previous permission of the Revenue Minister, were declared to be invalid under the new law.

Entertainment of objections and their Adjudication.

If any owner or tiller were to dispute the correctness of the description or the area of any land which is included within his holding, he has a right to put in an application within two months before a competent authority, and that authority is bound to record his decision after a proper enquiry into the matter.

The rights of the Transferee-tiller.

The new law grants to the cultivator a right of ownership in land from the moment it is transferred to his name by a mutation, and all rights, title and

interest of the *ex*-proprietor in such land, including trees, wells, tanks, ponds, water-channels, Khuls and pathways, cease, and vest in the tiller free from all encumbrances.

Such private wells and water-mills or Jandars which the old owner had made himself will, however, continue to be held by him. Similarly, buildings belonging to the old proprietor, will continue to belong to him and he will also be entitled to all easements with respect to enjoyment thereof.

The interest of the ex-proprietor in any land, which has been transferred to the tiller, shall not be liable to attachment or sale in execution of any decree or other process of any court, civil or revenue, and any attachment existing at the date of transfer or any order for attachment passed before such date will cease to be in force. Similarly, all suits and proceedings pending in any court at the date of transfer of land, and all proceedings upon any decree or order passed in any such suit or proceeding previous to the date of transfer shall, in respect of any interest in the land so transferred, be stayed. The object is, that the new owner does not get subjected to any harassment on gaining of his new acquisitions. The transfer of ownership will automatically cancel all rights of the old proprietor, so much so that even the arrears of land revenue and Taccavi loans will not be any charge against the tiller-owner.

The Government do not wish to add new burden to the back of the poor peasant. We want to improve his economic lot and to redeem him from centuries-long slavery. We, therefore, save him from all liabilities arising out of the encumbrances on the land which he now gets.

Transfer of lands mortgaged or leased out by the proprietor.

The Abolition of Big Landed Estates Act provides,

that when any land of which the right of ownership is extingusihed, is found to have been mortgaged or leased by the ex-proprietor it shall, where the tiller himself be the mortgagee or lessee, vest in him in ownership right free from other encumbrances, if any, and the mortgage or lease, as the case may be, shall terminate. In case such land is not in the personal cultivation of the mortgagee or the lessee, it shall be transferred to the tillers thereof in ownership right free from all encumbrances, and the encumbrances on such land shall be shifted to the estate of which the right of ownership is left intact, as if the same land had been mortgaged or leased by the ex-proprietor to the mortgagee or the lessee, as the case may be.

For example, if a proprietor, A, has mortgaged 200 *kanals* of land for Rs. 200 with B, who cultivates it himself, then 160 *kanals* of the mortgaged land will be transferred to B, and all the liabilities and rights of both the mortgagor and the mortgagee in respect of that land will terminate. In case the mortgagee B is not the self-cultivating tiller himself, but gets land cultivated by his tenants, C & D, the mortgaged land will be transferred to C & D in ownership to the extent of their individual possession and the mortgage debt will fall on the 182 *kanals* of land which the mortgagor-proprietor has been allowed to retain in ownership and it will be deemed as if the same 182 *kanals* had been mortgaged by A with B. In this way, the rights of the mortgagee and the lease-holders have been protected and the debts advanced by them have been secured.

It may be mentioned here, that the present Government have already enacted the J & K Restitution of Mortgaged Properties Act, 2006, providing for a summary procedure for the redemption of mortgages. Any mortgagor can, by a simple petition before the court (and courts are specified), get the mortgaged property restored to himself, if it is proved that the mortgagee has received back 1½ times the principal money from him. Sufficient publicity has been

given to the Act through the Press and Radio. It is in the interests of the people themselves to act up to the provisions of this law. If they do so, all mortgaged properties willl once again come to be held and enjoyed by those, whom proverty and want had forced to part with them.

Transfer of Lands Transferred or let in Farm in Default of Payment of Land Revenue.

Apart from the land that has been mortgaged or leased out by an owner of more than 182 *kanals*, there can also be such lands owned by him as have been transferred or let in farm in default of payment of land revenue. In these cases the new law provides that if the transferee or the lessee be a tiller in actual cultivating possession, such land shall be transferred to him in proprietary right, subject to the payment by such tiller of any arrears of land revenue or any dues or sums which he may be liable to pay in accordance with the conditions upon which the land was so transferred or let in farm to him. If such transferee or lessee is not in actual cultivating possession of land, it shall, subject to payment to him of such compensation as is determined by a competent authority, be transferred in ownership right to the actual tillers thereof.

According to the new law the transfer of land cannot be effected under any circumstances for an area which can make the total holding of the tiller exceed 160 *kanals*. This will include the area which the transferee already owned. For example, if a tiller owns 100 *kanals* himself and cultivates 100 *kanals* of the absentee proprietor, he would not be entitled to all the 100 *kanals* of the absentee land-owner, but to the ownership of only 60 *kanals*, while the remaining 40 *kanals* will be transferred to the State.

Selection of land by the existing owner and the delimitation of that area.

The Government have, by a notification, called

upon all the land-owners owning more than 182 *kanals* of land to select 182 *kanals* of land for themselves so that the rest excepting orchards, grass farms and fuel reserves, may be easily transferred to the peasants and the owners themselves may have no hardship to face. The land thus selected by the owner will be delimited on the spot. This will do away with the possibilities of any disputes. The transfer of areas will be effected by means of mutation proceedings under the orders of competent revenue officers and effect to those orders will be given in the patwari's records in accordance with the rules and regulations in force.

Determination of Disputes.

If, during the making, revision or preparation of any record, or in the course of any inquiry under the Abolition of Big Landed Estates Act, a dispute arises as to any matter, of which an entry is to be made in a record or in a register of mutations, a revenue officer not below the rank of an Assistant Collector of the 1st Class, may, of his own accord, or on the application of any party interested, and after such inquiry as he thinks fit, determine the entry to be made as to that matter. If in any such dispute the revenue officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the the dispute relates, he shall ascertain by inquiry which is the person best entitled to the property, and shall by order direct that that person be put in possession thereof, and an entry in accordance with that order be made in the record or register.

Restriction on transfer and partition of land.

No proprietor of land and no tiller to whom land has been transferred under the new law can alienate land or any interest therein without the permission of the Government. If any such alienation takes place, it shall be legally void. Similarly, every such partition of land as reduces the divided share of two

or more co-partners below 12 acres of land shall be nugatory. This is a safeguard against the fragmentation of holdings once again into uneconomic holdings. When land gets divided into small parcels, it diminishes in yield and all possibilities of collective farming vanish. In view of these dangers, it was considered expedient to stop fragmentation of holdings. If, however, any proprietor wants to give up his land, he can alienate it in favour of the Government any time he so chooses.

Extinction of the interest of a proprietor or tiller.

If any proprietor or any tiller who has now become the owner under the Abolition of Big Landed Estates Act, dies intestate, leaving no heir entitled to inherit, or transfers his land or any interest therein in contravention of the provisions of the new law, or having got the land as tiller sublets it continuously for two harvests, his right of ownership in the land held by him shall be extinguished and shall lapse to the Government. It will be recalled, that when the Tenancy Law was amended in S. 2005, and the right of protected tenancy was granted to the non-occupancy tenants, it was at the same time provided, that if any protected tenant did not cultivate the tenancy holding himself, he will be liable to be evicted, *i. e.*, if the area for which a right of protected tenancy was conferred was sublet, the (protected) tenant could be ejected on that ground alone. The same condition has now been applied to the tillers who become the owners of their holdings. If the owner of the land being a tiller himself sublets it to others, he loses all right of ownership. The object is quite clear. We do not want a back-door entrance for the non-cultivating element into the agricultural system once again. We do not want to create intermediary interests in land for the sake of private profit. I have already explained, that the chief reason for the poverty and degradation of our peasants and the shattered land economy of our country is the steady increase that has been caused in the numbr of these

intermediary parasites. At some places there were as many as ten sleeping partners between the State and the actual cultivator. They were looting the tilling peasants at both ends and were exploiting their labour without any qualms of conscience. It is they who had reduced the peasant to distress, destitution, hunger and nakedness. The new order has no place for the middleman-idlers. Nobody shall appropriate the fruit of the labour of others in the new order.

Limit of the holding of a proprietor.

One of the provisions of the Abolition of Big Landed Estates Act lays down that in future no proprietor shall have a right to hold more than 182 *kanals* of land, in ownership right and any interest or right in land devolving upon such proprietor by custom or under any law for the time being in force, shall, to the extent that it exceeds 182 *kanals*, be extinguished and shall escheat to Government. For example, if owner A already owns 150 *kanals* of land and he is to inherit another 60 *kanals* on the demise of B, one of his collaterals, only 32 *kanals* of land will pass on to A. The remaining 28 *kanals* will lapse to the Government. In other words, the law of inheritance, whether governed by custom or otherwise, will be inoperative to the extent that it permits any right or interest to accrue in respect of any land which exceeds 182 *kanals*. Looking deeply into it, we know that it is the current law of inheritance which has, in the main, been responsible for the ruination of our agricultural economy. It is this law which has caused the holdings to be fragmented down to 3 or 2 *marlas* or even ½ *marla* of small fields. Some fields are so tiny that they cannot meet even the harvest needs of either the proprietor or the tenant. With subdivision of lands into small pieces, many areas remain uncultivated. In this way, the agricultural produce gets depleted. This bankrupts the country and above all it is the division, exchange and transfer of these very uneconomic holdings which lead to expensive

litigation, waste of time, energy and money and brings about bitterness in the lives of the peasants.

In future, we shall respect the law of inheritance only to the extent that it does not disrupt our economic system and does not prove deterimental to the interests of the land and its peasants. It is possible that the vested interests will continue to mislead the people on this account but we are sure that well-wishers of the nation and the people will not be misled by any such mischief.

Payment of annuity to the ex-proprietors for lands of which the right of ownership is extinguished.

The question of compensation with respect to the land from which expropriation is taking place under the Abolition of Big Landed Estates Act, has been left to the Constituent Assembly of the State. For the moment, every proprietor who has been expropriated from any land will be granted by the Government an annuity which for the first year will be equal to ¾ of the land revenue (assessed on the land from which expropriation has taken place), for the second year 2/3rd and for the third and subsequent years, ½ of such land revenue. The condition is that the total amount annually payable will not in any case be more than Rs. 3,000. Nothing would be payable on account of Shamilat lands. For example, if 'A' owns 300 *kanals* of proprietary land and 50 *kanals* of Shamilat lands and if he selects 182 *kanals* out of his ownership area, with the remaining 168 *kanals* being transferred to the tillers in proprietorship, A will receive ¾th of the land revenue for only 118 *kanals* of land in the first year, 2/3rd in the second year and ½ in the third and subsequent years. 50 *kanals* of Shamilat land will be left out of calculation. An annuity equal to ½ of the land revenue will continue to be paid to the ex-proprietor till the Constituent Assembly takes its decision on whether or not compensation be paid. That decision will be final.

It will be clear, that the Government want to do justice to all people and all classes. We do not want that any section should be unnecessarily harassed. We have given an opportunity to the proprietors, whose lands have been taken away, to prosper by their own labour instead of living on the labour of others. We wish them well and want them to adapt themselves to the changing tunes of the times. The world is changing fast and those individuals and nations who cannot adapt themselves to the changed conditions or who hesitate to keep pace with the forwarding forces must be prepared for bitter repentances.

The rights of the Inferior Proprietors and Occupancy Tenants.

Under the present system, the land does not benefit the proprietor alone, but some other interests also, who are known as intermediaries. Their rights have been admitted partly by law and partly by custom. In the Jammu Province, the superior and inferior proprietors both have rights of ownership. But, as a matter of fact, at the time of Land Settlement, contracts for payment of land revenue were only made with the inferior proprietors, who used to pay a certain percentage of the land revenue as '*Malikana*' to the superior proprietor. Similarly, there are different classes of occupancy tenants in the State, who personally cultivate their lands at some places and at other places, do not. These occupancy tenants were generally the real owners of land. They were the first to bring the land under cultivation. During the regime of the old rulers, when it became customary to lease out the land and after that, under the British rule, the class of lessees came into existence. At the time when title and rights in respect of lands were being determined, the very lessees were, in several cases, declared as proprietors of lands. The cultivator enjoyed the lowest link. According to the length of possession, the occupancy tenants were put in two classes, 'A' and 'B' in the Jammu Province

and a similar classification was made in respect of the tenants in the Kashmir Province. This classification does not happen to be very rational. It is based somewhere on the length of possession and somewhere on historical and other grounds. In spite of their status having been reduced, these tenants in no way considered their rights to be inferior to those of the proprietors and the fact is, that even the owners of the land could not devastate these rights. Even to-day this gradation continues and these people in spite of being tenants practically enjoy all the rights that an owner does.

The occupancy tenants used to pay different kinds of rents. A large number pays cash rent equal to the revenue assessed on the land in their tenancies, in addition to some '*Haq-Malikana*' which means the proprietors' dues. The '*Malikana*' generally works at annas 4 per rupee of land revenue. While the present Government have, according to the new law, allowed the existing proprietors to retain 182 *kanals* of land, they are anxious that the rights of other tenure-holders are also protected. We are pledged to extend justice to all classes of our people so much so that even the intermediaries have been accorded their rightful place in the new agronomical reconstruction of our country. It has to be conceded, that a fair number of the occupancy tenants has, like the non-cultivating proprietors, become nearly the rent-receiving class. The Government, however, want to treat them as equitably as they have treated the land-owners of the same pattern. The Government have, therefore, provided by law, that a portion of the annuity payable to the proprietors may be paid to these tenure-holders or a part of the land of which the right of ownership in not extinguished and is retained by the land-owner, may be transferred to them in ownership right. The condition is, that the apportionment of annuity or land as between the superior and inferior land-owners, or inferior land-owners and occupancy tenants, or occupancy tenants of different grades will be made in proportion to the existing rents

obtaining *interse*. The Government have also the authority, in deserving cases, to increase the quantum of land allowed to be retained by the proprietors with a view to adjust the portion of land for transfer in ownership right to the tenure-holders. For instance, if an owner owns more than 182 *kanals* of land, he can be allowed to retain not only 182 *kanals*, but say 240 or 250 *kanals* with himself to enable part thereof to be transferred in proprietary right in favour of an occupancy tenant or a superior land-owner, whose rights are terminated by the Abolition of Big Landed Estates Act. This will ensure the protection of the rights of all the deserving elements and help those who are directly or indirectly depending on agriculture for their livelihood.

Appeal and Revision from orders passed by Revenue Officers.

The Abolition of Big Landed Estates Act provides for appeals and revision. Any person who feels aggrieved by any order of a revenue officer, can seek redress by going in appeal before the competent appellate authority or by putting in an application for revision before the Revenue Minister.

Penalty for certain acts.

There is no dearth of such irresponsible people who would endeavour to evade or circumvent by devious means the agricultural reforms and the law which transfers the land to the tiller. There are people also who would resort to producing false documents in order to defraud others of their legal rights. In order to squash such anti-social persons, special povisions have been made in the Abolition of Big Landed Estates Act. For instance, it is provided that if any person intentionally makes any false statement, or produces a false document, he shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to Rs. 1,000 or with both.

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CHAPTER X.

Two Orders—Old and New.

The evil effects of an unjust and unnatural agricultural system.

It has become quite obvious now that in principle and in fundamentals, the economic system of Jammu and Kashmir was none different from that of the Asiatic countries and particularly from India. The tillers of the soil who put their own blood into labour, the working peasants, had their rights at the mercy of a section of people, the class which had no interests in that land itself. This class was interested in agriculture only to the extent to which it could exploit the land and its produce for its own benefit. The lot of the peasant and his prosperity did not get a moment of thought. Slowly the peasants sunk low and passing through the worsening stages of poverty and degradation, reached a stage where society almost refused to confer on them even the status of human beings under a capitalistic order of society which automatically breeds class struggle. When distribution of wealth is unequivalent, when means of production are controlled by a limited class, when personal efforts and self interests get the better of all considerations of communal good, when one man begins to consider it quite just to exploit another, then, of necessity, new classes spring up in society. These classes are determined by their worth, power, influence and resources. They get subjected to discriminations which, in their turn, grow into conflicts, and conflicts shake the foundations of society. The conflict of interests first comes as force from one side, then a challenge to that force leading to exploitation, unemployment and discontent, followed by disorder, which in many cases takes the form of war and with its widening circle leads to the ruination of large sections of God's creation and the destruction

of the world. History bears testimony that it is this conflict which time and again is coming to rob the world of peace and stability.

Man's challenge to Slavery and Disruption.

Man by nature is born peace-loving, but is wedded to change. He has the urge to self-determination. This urge gets dormant for a time, but it never dies. Only to a point he bears oppression and tyranny but when conditions deteriorate to the extent where he is denied even the privilege of enjoying his birth-right, then he revolts. When his stomach goes hungry, when his body goes naked, and he looses the faculty to save himself from the heat and cold of summer and winter, when subjected to suffering he looses the power to support his wife and children, then through inner compulsion, he is forced to challenge those conditions. His mind gets flooded with the urge of revolution; he breaks all chains with determination and purpose and moves forward. He grips the power of force and demolishes all barriers brick by brick which stand in the way of his progress. Such type of revolution has succeeded in many countries of the world in bringing about a new social and political order. In many countries of the world even today, this revolt in man is fighting against opposing powers. There is no part of the world where followers and leaders of such revolution did not exist. It seems, that man is out to shake the slavery of man. He is determined to demolish the exploiter's system stone by stone—the system which has stood for strengthing the foundations of an unjust social organisation. For this purpose in every corner of the globe opposing powers are at each other's throat and under the cover of social revolution, a new system of life is taking birth. This revolution is inevitable if seen against the background of the present order of society. No honest man can turn his face from the stern reality of the present and ignore the natural significance of what is happening around.

Peaceful change and New Kashmir.

It is our attempt that the social revolution in our country may come about in a peaceful manner. Because the revolution which comes about through violent means, of necessity, totally dislocates the economic system and unhinges the stability of civic life. Pools of human blood saturate the soil and the people are subjected to terrible perversions. The old order could be so transformed that the construction of new society were brought out on just principles in a natural and rational way. To meet the needs of the common people, to make every individual free and fit in the economic sphere, equal opportunities should be guaranteed to all human beings in the utilisation of productive resources of the country. In the correct distribution of wealth, in the realisation of the responsibilities of human rights and in enabling an individual to become the best and the most capable guardian of national interests, lies the highest good of society, which as well must be guaranteed by the State. In countries with ample wealth, manufacturing resources and machinery, where the marvels of modern science have stimulated progress, the method and technique of reforms can be different. But in a poor country like Kashmir, where agriculture is the main industry and the common profession of the vast majority of people, any reforms can only be brought about by shaping the economy of the country upon a complete overhaul of the present system of agronomy. The Government of Sher-i-Kashmir Sheikh Moahammad Abdullah have, therefore, given their first attention to the land policy of the State and in contrast to the reactionary and exploiting system of the old regimes have established a new order and are working with determination for it. Many years ago, we drew up 'New Kashmir'— our political, social and economic plan for the new order— and presented it to our people. This plan aims at the betterment of the people of all creeds and it stands as a guarantor to the renaissance of our land and our nation. Our faith is that by acting on this

plan, millions of the people can look at the dawn of new light, and our country can be free from the thraldom of centuries of social and political slavery. Whatever the Government has done so far for the good of the people has been done in the light of the manifesto.

Three years of our Government.

Immediately on gaining of power we declared a moratorium on debts. We stopped eviction of tenants, resumed Jagirs and Muafis, ended Mukkararees and cancelled privileges to the Jagirdars and Muafidars of which the number was none too small. Thus we released a large section of the people of our State from the iron fetters of a system in which feudalism had crushed them for ages. We freed 12,000 people of the Chenani Jagir, who were groaning under the despotism of a single individual. We redeemed vast tracts of land which were held in possession by the assignees and gave them to the honest toiler, the peasant, for the betterment of the down-trodden class of our people. We fixed the rentals for the land, invariably decreased them, and gave permanent and quasi-permanent rights to the tenants who had long standing claim on land by virtue of personal cultivation and long occupation. We have abolished the system of the tenant being ejected by the landlord at his sweet will. We facilitated the distribution of village Shamilat and put a stop to the landlord grabbing the share of the helpless and the uninfluential peasant from the common land. We distributed Government land to the landless. We brought about legal changes giving protective rights to the tenants. Our popular Government initiated the system of democratic elections in the appointment of Zaildars and village headmen. We associated in Tehsil and District Committees the representatives of the people with the Government officers in the task of administration.

All this we did in sheer patriotic enthusiasm when

we were still healing the wounds of sword which the enemy had inflicted on our motherland, when our attention was still directed to the battle-field in beating away the enemy. With us stood lacs of our country-men. We are confident of their loyalty and patriotism. Our arms have the strength of the people's will behind it. We were enflamed with the urge of freedom and love of our land. We freed our country from the enemy. When conditions became normal, we tried to bring order. The steps which we had taken under expedient circumstances, we set them up in the democratic frame. We then worked in a manner that in the world of today our achievements stand as an example. We did not lag behind in coming to the rescue of the peasant and the labourer. We enacted Distressed Debtors' Relief Act and the Restitution of Mortgaged Properties Act to liquidate rural and urban debts. To ameliorate the tenants' lot we amended the Tenancy Act. We restricted the haphazard transfer of lands. By initiating these reforms, we evoked among cultivators and the exploited class the urge of self-confidence. They came to have the consciousness of their own rights and they got the courage to speak for themselves. It is thus that the work of Sher-i-Kashmir came to body and life, about which he had spoken 19 years ago, pledging himself to free the people from slavery and exploitation. That voice echoes in the ears of every patriot of this land and that pledge is before us like the lighted torch guiding our way.

13th July, 1950, our National Martyrs' Day, will remain a date in history and live stamped in the minds of all. That day, the Day of the Martyrs, our most beloved leader, Sher-i-Kashmir, announced the Abolition of landlordism and our decisions to transfer land to the peasant. I have narrated the details of the laws whereby land is being given to the peasant and he becomes the owner of his holding. Politically, we gained our freedom before. Now socially and economically, we are being liberated. In the new

order, every-one is a citizen worthy of honour. With his force and vision, he is the best architect of his destiny and of his nation. He breathes freely, for no grip of exploitation can hold him any longer.

Our National Objective.

Our work, however, does not finish here. We have yet far to march. We have to work for the self-sufficiency of our country. We have yet to raise the standard of living of our people. We have to banish poverty and want, disease and unemployment from our country. In short, we have to build a just and peace-giving system in our country in which the honour of the land and people and the wealth of the community are enhanced, in which every man gets enough to eat, gets a house to live in, gets adequate clothes to shield his body. The distinctions between capital and labour, owner and tiller, rich and poor and in fact all invidious class barriers must vanish. In reaching this objective, we have yet many difficulties to face. Many attempts will be made to disrupt our efforts. We have to be vigilant against treacherous elements who will try to sabotage and disrupt. Our objective is high and whatever sacrifice we are required to make in achieving it, we shall be prepared to offer. Kashmir belongs to us. Its new building-up needs reforms as a foundation stone. To bring it about with success, lies in the hands of our countrymen, rich and poor, big and small. I have full faith that in the reconstruction of our homeland, we have complete confidence and the full strength of our resurgent people behind us and every man, woman and child of this land will co-operate with us towards the successful achievement of this great and grand task.
